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SOME ADMINISTRATIVE ASPECTS OF NATIVE MARRIAGE PROBLEMS IN AN URBAN AREA¹

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The Natives (Urban Areas) Act, which imposes the obligation on local authorities to make housing provision "adequate for the needs of Natives ordinarily employed within the urban area for normal requirements" (Section 2), classifies the accommodation under the following heads:—

(1) "*Casual*" *Labourer*.

By "casual" labourers are meant those Natives not living under conditions of family life who have ties in the country. For this class of Native accommodation may be either:

(a) Hostel accommodation for either sex (Section 2(1) (c)).

(b) Housing of Natives by their employers on their premises under licence (Section 5(4)).

(2) *The Urban Town Dweller, who has, by length of residence, earned domiciliary rights.*

A Native who has been resident and continuously employed in an urban area for not less than two years, has the right to expect the local authority to provide "family" accommodation for him (Section 12(1) (d)).

These Natives are, in effect, housed either in Native locations (Section 1(b) (d)), or any deficiency in Location accommodation may be supplemented by the licensing of rooms or premises under Section 5(4).

It is with the second group that this paper is primarily concerned.

¹ This article is the outcome of the experience of a Department, and is not the mere expression of opinion of an individual observer.

I am deeply indebted, not only for their co-operation in work, but for their contribution in discussion and written comment on this paper, to the Manager, the Assistant Manager, Superintendents and the Assistant Welfare Officer of the Non-European and Native Affairs Department of Johannesburg.

In Johannesburg, location provision has been made for over 12,000 families and probably an equal number are at present in occupation of "licensed rooms," whence they will gradually be transferred to more hygienic quarters as more houses in locations are built.

The limited and more attractive housing in locations stimulates competition to acquire these cottages. In addition to the qualifications demanded under the Act, the Location Regulations require that "in the opinion of the Superintendent, the applicant is a fit and proper person to reside in the location."

Against this pious and apparently protective residential clause, the Senior Superintendent of Orlando, under whose jurisdiction 40,000 people come, says that in his experience 40 per cent of the "marriages" in Johannesburg Native Townships have been contracted according to Native custom; 10 per cent have been by Christian or civil rites, and 50 per cent of the couples are not married but just live together.

Here lies the root of the difficulty of the administrative aspect of African marriage problems. Who are the married people? Who are fit and proper persons to reside in a location?

The applicant for a cottage in a township must satisfy the Superintendent to the best of his ability that the woman he brings with him is his wife. More often than not he gives the assurance, "I married her by cattle." In the absence of registration of Native customary unions (except in the case of Natives coming from Natal), and the lack of documentary proof of such marriages, the word of the applicant has to be accepted and there are rarely any witnesses to support his statement. Public opinion, so large and dreaded a factor in tribal life, is entirely absent, either to support the truth or to disapprove of the results of deception.

The presence on the Reef of large numbers of African men, who are generally excellently fed and housed in the compounds of the industries they serve, but who are divorced from their natural social contacts, drives many hundreds of them into the locations during their leisure hours. Here illicitly-brewed beer and the women who brew it are the attractions. Too frequently a temporary union is established as the result of these visits. Soon less money is sent back to the kraal in the reserves. In time payments may cease. On the completion of his contract, the man, instead of going home, may, with the woman of his choice, set up a new household in a location where neither is known, after breaking up the home which he originally visited. He will, of course, allege to the authorities that the woman is his wife. Nobody else, except an occasional

angry neighbour who may, for private reasons, report the matter to the Superintendent, cares what the actual position is.

After a time his country wife, or one of his country wives, driven by necessity and anxiety, may come to town to search him out. If she finds him, the parties will probably appear before the Superintendent after a family scene, and endless examination is necessary to establish the rights of the real wife.

Should the husband return to his wife in the reserves, or set up a household with her in the township, the hardship involved for the town woman with whom he has lived is sometimes a very real one. Often she comes to complain to Departmental officials quite truthfully that she has supported the man for months, that the furniture is hers, and that even though the house is registered in his name she has paid the rent and considers herself entitled to the tenure thereof.

Sometimes the temporary unions have been of very long standing and the judgment of Solomon is necessary to decide how to render compatible the letter of the law and the human demands of two women, each with an understandable claim upon the protection and support of the man.

In cases where the woman coming from the country cannot find her husband, she must find another guardian for herself and the children who generally accompany her. When she does so, another reputedly-married couple sets up house in a township. Three separate groups of children, emanating from two broken African homes, form the nucleus of the juvenile delinquent population of the locations.

This aspect of the total breakdown of social sanctions can be illustrated by the number of illegitimate births registered in each township, although one must bear in mind that not all births are registered. For the period June to December, 1940, inclusive, the following registrations were made in a township of 15000 souls.

Total registered live births :	153
Total registered illegitimate live births	99
or the inordinately high percentage of :	64.71.

From these claims for maintenance arise, to add to the already long list of problems which are the daily lot of the Superintendent.

To return to first causes, the fact that so much illicit liquor brewing takes place in the locations is due not often to viciousness, nearly always to genuine poverty.

In a recent article, Dr. Neil Macvicar has said : " The absent labouring mother and the present illicit-liquor-selling mother are both direct consequences of the inadequacy of the Bantu labourer's wages in the city."

The Manager of the Native Affairs Department, Pretoria, in a paper presented to the Christian Council of South Africa in June, 1940, said : " Practically all the worst offenders (illicit liquor sellers) are in honest employment and permanent town dwellers—the liquor business is purely a side-line. . . . I am quite satisfied, after nearly twenty years of observation of the illicit liquor evil among the urban Bantu, and several years of experience of every method of control tried (home brewing, total prohibition and municipalisation), that over 90 per cent of the evil is caused by absolute necessity on the part of the Bantu housewife to augment her husband's wages in some way or other. Illicit brewing and selling of intoxicating concoctions is the most convenient way, so she follows it."

At the same time, there is the distinct and growing group of women, more often than not Bantu widows from Basutoland, as well as those from the Transvaal, who refuse to recognise the levirate system by which they are inherited by their husbands' brothers. After years of domestic tutelage, they decide to experiment in an independent existence and, with an uncanny business sense, set up their own brewing business in Johannesburg for their own individual advantage.

The social toll of African life exacted by modern industry is a high one, and the tragedy is most continually and clearly evident in the offices of the townships, and in the courts of the Native Commissioners. Both the lives of the families permanently established in town and of those still linked to the soil of the reserves, are profoundly disturbed.

There are two conflicting tendencies in the Union's policy with regard to the African people. The general policy of segregation, and the continual demand that the African shall " develop along his own lines," are in direct conflict with the general demand for Bantu labour in European industrial centres and on farms.

The divided family system is an immense and continuous strain on a people for whom the changes of culture contact are not an evolution, as they are in European society, but a cataclysm.

A typical case which came recently within the experience of one of the Johannesburg Superintendents, illustrates the administrative problems of the divided home. A man of about sixty was married, originally, by Christian rites. After several years, he separated from his wife, who

entered domestic service, while he remained in occupation of a township cottage with a new wife. During the following ten years he changed wives four times. When he wished to change for a fifth time, the last partner, aged about forty-five, who had been living with him for five years, refused to leave. He promptly went to Basutoland and returned with a girl of about twenty, who immediately tried to dominate the household and even tried to drive the older woman from the house. The latter appealed to the Superintendent. When the husband was called to the office, knowing that there was a possibility of ejection from the township, he said that he did not wish the older woman to leave him although he had married the new arrival according to Native custom. He admitted that two women could not agree in one house, but in the circumstances he declared that he had no alternative. Upon questioning him, it was evident that although *lobolo* might have been promised, none had been paid for the young girl from Basutoland. As he had not obtained a divorce from his lawful fourth wife, he was threatened with criminal action and ejection. Reluctant to leave the township, and as the only way out of the impasse, he became reconciled to his wife, hoping no doubt to repeat the whole process at a later date when the Superintendent might have forgotten the matter.

To reach this not very satisfactory conclusion five interviews and prolonged arguments were necessary with the parties concerned.

A further problem in most such cases of domestic dispute is the distribution of property, furniture and other possessions. It is a sad commentary on the growing individualism and material possessiveness of the urban African that the children, who in the reserves are so much part of family wealth and strength, are of less importance than the goods to be disposed of. The woman is generally far more concerned about the ultimate possession of her fumed-oak dining-room suite than the fate of her children.

Where household goods of some value have been accumulated through the efforts of both parties, considerable difficulty in bringing about a settlement often arises. The matter, if a solution cannot be found, is referred to the Native Commissioner whose decision is accepted as final.

In Johannesburg's oldest Native Township, Pimville, houses are individually owned on stands rented from the municipality. Properties involved in cases of irregular union create endless administrative difficulties. A couple may have lived together for years, during which time by their joint labour they may have acquired a house. On the death of the

man, the woman and her children may find themselves disinherited and the property may pass either to the man's children by a previous customary union, or, according to Native custom, to other relatives. There was a case of this nature in Pimville recently where a property acquired largely through the efforts of the "wife" passed to the deceased man's brother.

In cases settled by the Native Commissioner, the children usually remain with the mother, and if she is a not particularly undesirable tenant, she is allowed to retain occupation of the house, whilst the man and his new concubine are ejected. This, of course, despite the woman's protests that she is able to maintain her household, generally opens the door to a new train of problems and difficulties, as the woman, unable to bear the economic burden alone, sooner or later finds a new consort.

Despite the depressing aspect of the breakdown of tribal sanctions, despite the lure of the town, the fascination of freedom from a tribal code and the endless opportunities for developing a crude and grasping individualism, the African at heart is a conservative and a jurist and is profoundly influenced by his tribal code. The most sophisticated town-bred African sheds his artificiality and becomes a member of the clan immediately he visits a kraal, and in town when he faces the larger issues of birth, marriage, death and inheritance, he invokes the support of the tribe.

It is difficult to legislate for people who claim to be treated with equity under the European code, and at the same time claim the privileges and rights of tribal life. These often are in conflict with the European order. An important example of this is the marriage by customary rites of a man who has previously contracted a Christian union. He refuses to see the implications of bigamy involved in the proceeding.

Law for the African is not individually transportable. It is part of the soil in which the ancestors themselves are at rest. Infringement of European regulations is permissible. "It is unfortunate that I was found out," is a statement of fact rather than an expression of guilt, when an African is convicted of a crime against the European code. There is little or no respect for European law, a fact for which our European laws in connection with Native administration are largely to blame. But the strictest as well as the most trivial aspects of the European code are disregarded. "Half-crown marriages" is the term of contempt used for civil marriages contracted in town, this being the price of a marriage certificate. Rather than break tribal customary etiquette European law will be set aside. A Venda living with a Xosa girl, both of them good

types of African, was asked why he did not marry her. "My people cannot meet her people, who live so far away, to talk about the cattle, so the only thing is for us to live together."

This case illustrates another problem in so cosmopolitan a city as Johannesburg. Inter-tribal marriages are on the increase and are frequently unsuccessful. Domestic clashes in regard to custom and procedure, whether grave or slight, lead to family dissension. A Swazi conservative in Orlando was deeply incensed when his Sotho wife and their children ate up the entire mealie crop from their garden before he had heard that his Chief had eaten the first fruits, thus enabling him to do so.

A recent marriage came to grief because the town-bred Zulu bride objected to being sent to the country to work in the fields of her Sotho mother-in-law, where, in addition to the indignity of the labour, she was given "mealie meal without salt" to eat.

Officials are unanimous in their evidence that where *lobolo* in the form of cattle has been paid, the marriage is generally a stable one. There is a growing tendency in urban areas for the exchange to be made in part or entirely in cash. This change in economy is rapidly altering the African conception of *lobolo* from that of a guarantee of equilibrium to that of a purchase price. The implications of exogamy amongst African family groups involve always the obligations of equity, but where *lobolo* is paid in money, the protection of the marriage by both the bride and the groom's clans is being broken down. Not only are heavy cash debts involved, but, as the Africans say: "Money has no calves," and once it is spent, the beneficiaries cease to feel responsible for the marriage from which they have received advantages.

To return to the problem of the country and town wife, this sometimes creates a township housing problem. The Native who has left his home in a reserve where he has married a wife by customary rites may go home to visit her at regular intervals. After some years this woman may come to town and meet the wife married by civil rites, by cash *lobolo* or merely by mutual agreement. Whatever the circumstances, the woman married by Native rites considers herself the superior spouse with a prior claim. Women who are accustomed to the idea of a chief wife, left and right hand wives, and junior wives, have sometimes suggested to the Department that these lesser women be provided with other houses in the locations while they themselves occupy the chief "hut" with their husbands.

The expense of buying a wife, which is what the present procedure amounts to, and paying for those parts of the elaborate wedding which

the town girls feel are their due, is another hindrance to legal marriage in the eyes of the town-bred African. Recently a man complained to an official that he could not marry because the bride-price, £25, the hiring of a band, reception hall, taxis, clothes, and his share of the wedding party, would amount to £50.

Attendance at the Native Divorce Court reveals the startling fact, which corroborates the evidence already quoted, that almost without exception the marriages which are dissolved are those contracted by Christian and civil rites, without the added protection of *lobolo*.

The solution of the main problem seems to lie in the general registration of all customary unions and the provision of a certificate to each of the contracting parties as evidence that the marriage has taken place. In the absence of a certificate indicating that either a civil or a customary union has taken place, houses should not be given to applicants.

In the Findings and Recommendations of the Juvenile Native Delinquency Conference held in Johannesburg during October, 1938, under the auspices of the Johannesburg Non-European and Native Affairs Department the following appeared under the heading "Unstable Marital Unions":—

"Another important factor in delinquency is the great number of men and women who live in the Native urban locations as husband and wife without any formal marital union. These informal unions sometimes last for years, but they are essentially unstable and often end in the desertion of the woman with children dependent upon her. In many cases the man has a wife and family elsewhere, but in many cases also the man has struggled in vain to save enough money for *lobolo*, to be provided either in cattle or in cash for a customary union. The fact that outside of Natal and Zululand there is no system of registering marriage by Native custom makes it possible for man and woman to claim marriage in this way without proof being possible under urban conditions. The *lobolo* cattle are the proof in Bantu law, but in the towns this form of proof is usually not available. It is true that cash in many cases has taken the place of *lobolo* cattle, and that *lobolo* appears also in Native marriages under European law. But the depressed economic condition of the Bantu town dweller has resulted in the *lobolo* being paid in part only, or most often not at all, and the marital union being entirely informal. Constant changes result. A deserted woman often finds another partner, however temporary, to help to maintain her children. Thus a home may have a succession of temporary fathers. The presence

of Natives on the mines and the floating character of much of the male labour in the towns accentuate the instability of the home life. Many women, too, have come in either to follow their husbands or to find a living through beer-making and association with men. No simple statement, however, can give a complete picture of the confusion in the marital situation and the moral life of the locations. That this confusion contributes a great deal to the indiscipline among the children and the lack of a sound moral public opinion is emphasised by Court records and the reports of social workers."

The Conference recommended, *inter alia*, to this end :—

"(c) *That informal unions be discountenanced by municipal authorities, and the parties urged to have their unions regularised.*"

I am indebted to a location Superintendent, for the following comments on the instability of Native marriages, in support of registration of these unions :—

"Out of 200 cases of domestic dispute brought before me during 1939, in 129 instances the persons were merely living together.

The longest period of such a relationship was sixteen years, and there were several of eight, seven and six years' duration. The average period, however, was approximately two years, showing the essentially temporary nature of such unions.

In 84 cases of those involving people not married, the complainant was the woman, while in only twenty-four cases the man lodged the complaint. This, I submit, bears out the contention that the woman is almost invariably the loser in these extra-marital unions, and derives no benefit from them.

15% of these women complained of lack of support, 15% complained that their "husbands" were driving them out in order to introduce a new woman, approximately 5% were deserted by their "husbands" and 5% were habitually ill-treated.

8% of the men involved in these cases admitted having lived with one or more women prior to their present union.

In 108 instances out of 185 cases of extra-marital unions, the result was the break up of the home and the separation of the parties.

When one bears in mind that 98 children were born as a result of the 200 unions under review, and their ultimate fate, as a result of the almost inevitable break up of the home, is very un-

certain, the dangers attendant on these illicit unions become obvious."

A final problem connected with the maintenance of the family, not with its dissolution, is that of housing the extended family in a municipal cottage designed for a single unit. The administrator is faced continually with the problem of deciding between a housing regulation and a sympathy with the urban Native's respect for African custom.

There is a steady drift to the city of aged parents who, on the death of husband or wife, come to live with their grown-up children. Apart from the ever-present problems of over-crowding and malnutrition, where the income is small and the budget large, there are the difficulties of observing taboos in a mixed household. Avoidance of the mother-in-law by her son-in-law, avoidance of the father-in-law by his daughter-in-law, are quite impossible in a small cottage, and the requests "for a house for my great father or for my great mother; I am the only child, they cannot live in the country," are increasing.

It was heartening at the annual conference of the Christian Council of South Africa held in Pretoria in June, 1940, to find that missionary opinion was closely in accord with that of administration in support of registration.

At the close of the Conference, amongst the findings submitted, was the following:—

"The Conference recommends as an immediate amelioration:

(a) the introduction throughout the Union of the registration of Native customary unions as legal marriages;

(b) that the whole question of *lobolo* be rediscussed by the New Executive of the Christian Council.

(c) that the Government give attention to the question of creating more effective sanctions against the desertion of wives and children;

(d) that legal recognition and registration be provided for the numerous cases where a man and a woman are living together on a permanent basis and having offspring, provided, of course, that no previous marriage exists in either case."

The Government is considering the drafting of a Bill in connection with Native marriages, and is investigating the whole position. In two sessions it has been a subject for discussion at the Native Representative

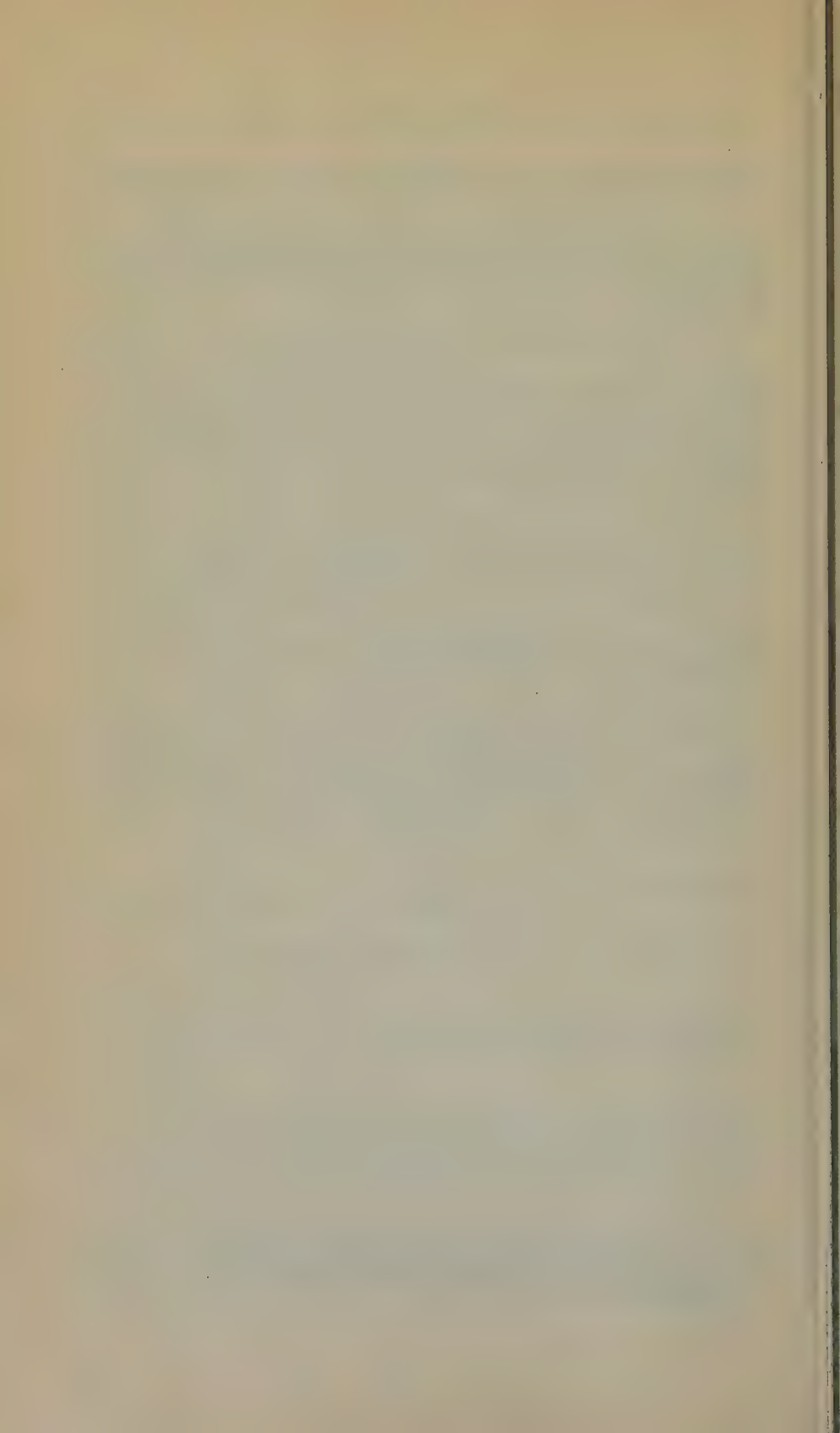
Council, so that there is every reason to hope that a Union-wide registration of all marriages will be the beginning of a greater stability in the African home in town, a greater security for the extended family in the reserve, and one solution for the patchwork of problems which confront those whose work lies in helping the African to adjust himself to living in an urban area.

In summary, the lack of public opinion occasioned by casual labour, the pressures of poverty, the absence of registration of marriage, the breaking down of the protective and equalising effects of *lobolo*, seem to be the largest contributing factors to the problems of administration at this time of social readjustment on the part of the larger proportion of the population of South Africa.

The registration of customary unions, close co-operation with Native Commissioners of rural areas in the checking of indiscriminate visits to towns on the part of Natives under their control, and a general increase of wages for the permanent town dweller, so that his home may be maintained without recourse to illegitimate practices, seem the most reasonable ways of dealing with these problems.

The disintegration of the stability of African character, indicated in this paper, is not a sign of degradation and depravity in a people of great dignity and high moral respect for their own law, but "a proof of being uprooted and out upon an uncharted sea without any form of comradeship that would replace the lost comradeship of the clan."¹

¹ T. Cullen Young, *African Ways and Wisdom*, United Society for Christian Literature.



SOME LEGAL ASPECTS OF MARRIAGE BY NATIVES IN SOUTH AFRICA

By JULIUS LEWIN

The question of Native marriages is often confused in discussion through failure to observe the distinctions that the law insists on drawing.

The Native Administration Act of 1927, as amended in 1929, makes a clear distinction between a marriage and a customary union entered into by Natives. A marriage is defined as meaning the union of one man with one woman according to law, but does not include any union contracted under Native law. A customary union is defined as meaning the association of a man and a woman in a conjugal relationship according to Native law and custom, where neither the man nor the woman is party to a subsisting marriage.

These definitions, which form the basis of the present law, make it desirable for the sake of clarity to avoid the term "Native marriage" because it is ambiguous. It may mean an ordinary marriage under the Common Law, such as is contracted by Europeans and is contemplated by the first definition; or it may mean a marriage under Native law, i.e. a customary union.

One of the common problems presented to the Native Commissioners' Courts is to decide when or whether certain parties actually entered into a customary union. This question scarcely ever arises for Europeans under the Common Law because no marriage is valid unless the ceremony has been performed by a duly authorised marriage officer, who may be either a magistrate or a minister of religion—hence the phrase "civil or Christian rites." Certain formalities must be observed in this ceremony and certain words spoken by the marriage officer and by the parties to be married. When this has been done, the marriage is legally completed and normally there are written records to prove its occurrence should any doubt arise at a later date.

A customary union, however, is marked by no such precise legal ceremony, certainly not in point of time, nor is there normally any written record to which reference can be made later. It is this fact that creates the legal problem, as can be clearly illustrated from recent cases heard in the Native Appeal Court.

*The extracts in this article from the Native Appeal Court Reports are quoted under the Government Printer's Copyright Authority No. 363 of 28th February, 1941.

The first case¹ is authority for the view that Native law, as recognised in the Courts, does not require any particular form of ceremony in order to establish the validity of a customary union. A wedding feast, for instance, has a social but not a legal significance.

In this case M sued S and his son W for damages on the ground that W had seduced his, M's, ward, E, and for the custody of the two surviving children of the six born to E. The defence took the form of a plea that W had married E. It was common cause that *lobolo* had passed and that the woman E had been handed over to W as his wife. Finding that as there had been no ceremony, no marriage had taken place, the Native Commissioner at Carolina gave judgment in favour of the plaintiff.

The Native Appeal Court reversed this decision, holding that a marriage had taken place. The President (Mr. A. G. McLoughlin) pointed out that ethnologists have described very fully the various steps in the gradual process of Bantu marriage. Referring to no fewer than ten authoritative accounts, he summarised the concepts that emerge as follows :

“(1) The first stage affecting the attitude of the parties involves visits, *pourparlers*, and the exchange of social courtesies, all designed to establish concord between the groups, culminating in the consent of the *groups* to the proposed ‘marriage.’

(2) Then follows stage two when the extent of the *lobolo* is arranged and the cattle and the woman are exchanged.

This is the important moment in so far as the legal aspect is concerned and is the contract proper of the ‘marriage.’ It is frequently accompanied by other social and religious ceremonies, but as between the *groups*, i.e. the contracting parties, this stage completes the transaction.

(3) The third stage involves the bride *personally* and not the groups as *contractors*. It is necessary for her to leave the ancestral kraal formally, to which end a sacrifice is offered and a feast is held, the ancestors being involved and the gall of the sacrifice being sprinkled over the bride who is adorned with the bladder symbolically. Her severance from her own group being thus accomplished, it remains to aggregate her to her husband's group. Here also a sacrifice serves as the medium to inform the ancestors of her presence and again the culminating act is the anointment of the bride with the gall of the sacrifice. Other ceremonies are incidental.

¹ *Sila v. Masuku*, 1937, N.A.C. (N. and T.) 121.

But these acts are mere ceremonial and ritual which affect the bride personally. They form the religious element of the proceedings, and their absence no more invalidates the completed contract than does the absence of prayer, music, singing or a wedding reception in a European marriage."

In the second case² chosen as an illustration, the illness of the woman when she arrived at the bridegroom's kraal apparently led him to change his mind about marrying her, and the question for the Court to decide was whether he had already by that time entered into a customary union with her. Plaintiff claimed the return from defendant of cattle which he paid him as dowry for his daughter. The dowry was accepted and defendant slaughtered a beast. Thereafter, by arrangement with defendant, plaintiff "had the girl *twalaed*," i.e. abducted according to custom, and taken to his kraal. He saw her for the first time two days after her arrival when he found her sick. The next day he had her examined by a doctor who discovered that she was suffering from tuberculosis in an advanced stage, and that she had obviously been sick for many months. On the following day, the plaintiff sent a messenger to report to the girl's father, and to request that another girl be substituted. After several week's delay, during which she remained at plaintiff's kraal, the girl was fetched back to her father's kraal where she died. Her death took place about four months after the *twala*. Plaintiff sought to recover his dowry, alleging that there was no ceremony owing to the girl's illness and that no marriage was entered into.

The Native Commissioner at Umtata decided in favour of defendant, and the majority of the Appeal Court upheld this decision.

Mr. F. E. Owen, with whose judgment Mr. W. J. G. Mears concurred, said that "the essentials of a Native marriage are :—

- (i) consent of the contracting parties ;
- (ii) payment of the dowry ;
- (iii) delivery of the bride.,

Anything more than this is purely optional. The second and third essentials were admittedly carried out. As to the first, it was necessary to show that plaintiff was in fact a consenting party. No express words or formula are observed among Natives to indicate the bridegroom's consent. The consent is invariably indicated by conduct. Here the action of plaintiff in paying dowry, *twalaing* the girl, and having her

² Mbanga v. Sikolake, 1939, N.A.C. (C. and O.) 31.

taken to his kraal is clearly capable of no other construction than that of tacit consent. Nothing more was required by Native Law to indicate his consent, and his subsequent discovery of the girl's illness cannot alter the position."

It may be added that the Court suspected that by his claim the plaintiff was really trying to circumvent Proclamation No. 189 of 1922, which abolished the custom of *ukuketa*, whereby a husband was entitled to claim the refund of the dowry paid by him if his wife died shortly after the marriage.

The President of the Court, Mr. A. G. McLoughlin, delivered a dissenting judgment in this case. He emphasized that the consent of both the bride and the bridegroom must be given, and expressed the view that the evidence showed the latter's conduct to be inconsistent with consent to the marriage. He added that the modern tendency to omit customary practices in connection with marriage ceremonies, especially in the practice of *ukutwala*, increases the difficulties of the Courts in deciding when a marriage has been completed, as in the present instance.

In the latter case the Court defined the three essential elements in a customary union in the Transkeian Territories. One of these is consent, and the next case³ illustrates the confusion that may arise, when the bridegroom is away, as to whether he was married *in absentia* or whether he had merely made a proposal of marriage.

The plaintiff in the Court below sued defendant and his kraalhead for certain cattle or their value in money as damages for alleged adultery committed by the first defendant with plaintiff's wife. The defence was a denial that any marriage had taken place or existed between plaintiff and the woman in question, and that there was therefore no ground for the action.

From the evidence it appeared that while he was away at work on the mines in 1935, plaintiff wrote to his maternal uncle asking him to arrange for his marriage to the woman in question. The uncle negotiated the marriage with the natural guardian of the girl, who demanded eight head of cattle as dowry. In June of that year the girl "was *twalaed* to the plaintiff's home," and five head of cattle were taken away on account by the guardian's messengers. The girl, who was given a new name, remained at plaintiff's home, put on the breast cloth, wore a handkerchief over her eyes, and performed the usual duties of a wife at the kraal.

³ *Neku v. Moni*, 1938, N.A.C. (C. and O.) 61.

The plaintiff returned home after Christmas, 1935, but he stayed only three weeks before returning to work on the Rand owing to pressure of debts. While at home he occupied the same hut as the girl, who remained there until September, 1936. In the following year when she was found to be living with defendant, plaintiff was advised by letter of the position and returned in November, 1937 and instituted these proceedings. It appeared that it was only after the girl had become enamoured of the defendant, who was evidently able to offer more dowry, that the validity of her marriage to the plaintiff was challenged.

The facts as disclosed in the evidence were placed before five Native Assessors and they were unanimous in their decision that there had been a marriage in accordance with Native Law and Custom.

The Court (Mr. W. J. G. Mears, Acting President, and Mr. E. F. Godfrey) held that the essentials of a Native marriage had been complied with since dowry had been paid and accepted and the plaintiff and the woman had lived together at his kraal as man and wife.

Mr. H. F. Marsberg delivered a dissenting judgment. He said that there was no clear evidence that plaintiff returned to his home from the mines for the express purpose of consummating the union, and that he and the woman contradicted each other as to whether intercourse took place. At what point of time did the customary union take effect? The whole transaction was so in conflict with the practice of all civilised people which demands that there shall be no uncertainty in regard to the celebration of marriage, that on the grounds of public policy the Court ought not to give its approval to this type of alliance.

In support of his view, Mr. Marsberg cited the early case of *Sofiba v. Gova* (1895, 1 N.A.C. 7), where the dangers of recognizing marriages by proxy were mentioned. There the Court felt that it could not uphold a marriage where the husband was not at the kraal to which the woman had been sent, and there was nothing to show that he was likely to be there within a reasonable time.

The facts of the case before the Court did not suggest that there was more than a proposal for marriage. Such proposals are a regular feature of Native custom and the practice is well understood.

This problem of deciding whether a customary union took place or not arises much less frequently in Natal than it does in the Transkei or the Transvaal. The reason is that the Natal Code of Native Law (Proclamation 168 of 1932, Section 59) lays down that "the essentials of a customary union are :—

- (a) the consent of the father or guardian of the intended wife, which consent may not be withheld unreasonably ;
- (b) the consent of the father or kraal-head of the intended husband, should such be legally necessary ;
- (c) a declaration in public by the intended wife to the official witness at the celebration of the union that the union is with her own free will and consent."

The Code also provides that when a customary union has been arranged, the kraal head or the parties concerned must report the day fixed for the celebration of the union to the chief or headman who must direct the official witness to attend at the time and place of the celebration. Within one month after the celebration of the union which he has witnessed, the official witness, the partners, and the fathers or guardians, or their representatives where necessary, must go to the Native Commissioner's office to register the union. The parties are required to sign the register after the entries have been explained to them, and they are each given, free of charge, a certificate of the union. Details of the *lobolo* paid or payable are also recorded.

Registration is accepted as conclusive proof of the existence of the union. Sometimes, however, the parties fail to register the union, but it should be noted that failure to register does not render the union invalid and registration is not essential to prove the existence of the union.⁴

But the public declaration required by the Code is an essential feature that cannot be dispensed with. In a case⁵ where the bridegroom and the official witness were absent, but feasting and dancing were carried on and the bride was anointed and sprinkled with the contents of the gall bladder and "all the essentials of a Native marriage appear to have been observed except that there was no public declaration by the bride in the presence of the official witness," the Court held that the union was void *ab initio*. It was pointed out that the official witness was in a position similar to that of a marriage officer in a marriage celebrated under the Common Law.

In an earlier case⁶, heard in 1922, which established the same point, the Judge remarked that the machinery for regulating customary unions had been in operation in Natal for over fifty years and "I am safe in saying that every Native resident in the Province, without exception, is well aware

⁴Ndhlovu v. Shongwe, 1940, Prentice-Hall Reports, R. 75.

⁵Mdhlalose v. Kaba, 1937, N.A.C. (N. and T.) 43.

⁶Mfanambana Ngubane v. Fana Dhlamini, Natal Native High Court Reports, 1922, vol. XXIV, Part II, p. 3.

that no marriage can take place without the presence of an official witness to carry out his duties, and the presence of the official witness for this purpose is universally recognized by them as essential to legalize a marriage."

There is at least one qualification to be made to the view just quoted. Following a rule recognized in the Conflict of Laws, it has been held that the requirements of the Code do not apply only to unions entered into by Zulu in Natal. Where the parties were Sotho, domiciled in Zululand, and they contracted a customary union and sought redress there, they were bound by the provisions of the Code, the doctrine of *lex loci contractus* applying to the case.⁷

Divorce presents the same problem as does a customary union, because in the Transkei and in the Transvaal the parties need not come to Court in order to effect a divorce from a customary union. Where the parties separate after a quarrel, or in even less precise circumstances than a quarrel suggests, the question arises whether a divorce took place on that occasion.

The following case⁸ illustrates the legal position.

M entered into a customary union with a woman thirty-three years ago, paying her father five head of cattle on account of the *lobolo* which had been agreed upon as twelve head of cattle. Thereafter the woman committed adultery with P, by whom she bore one child. She lived with P until he died, and then went to live with W, by whom she had had three children. She was still living with W at the time of the case. Her father had died, leaving S his eldest son and heir.

M now sued S for the three illegitimate children born to the woman (his sister) while she was living with W; also for the woman herself, or, alternatively, for the return of the *lobolo* or its value, £20.

It appeared from the evidence that when M had moved his kraal from one farm to another, he had left his wife and her two children by him behind. "He does not say why he did not take her with him when he left. She states that he simply left her and took no further notice of her. About a year later, when he caught her committing adultery with P, he thrashed them both and was punished for assault." He never lived with the woman again nor supported her, and took no interest in his own children from the time they were infants until one of them married, when he came forward and claimed the *lobolo*.

⁷ Ndhlovu v. Molife, 1936, N.A.C. (N. and T.) 34.

⁸ Shabangu v. Masilela, 1939, N.A.C. (N. and T.) 86.

The main point for the Court to decide was whether the marriage had been dissolved when plaintiff chased away or abandoned his wife.

The Court pointed out that the plaintiff's belated interest in the woman and her three children by W was probably due to the fact that the latter were growing up and would "in due time realize value in the marriage market."

"In these circumstances," said the President, Mr. E. N. Braadvedt, "I am of opinion that a clear case of abandonment of the woman by the plaintiff has been made out. If a husband does not support his wife and children over a period of probably twenty years or more, does not live with her during that time, looks on while a European farmer acts as their father, and takes no action against the man with whom the woman is cohabiting, such inaction must be regarded as abandonment or desertion.

"Unfortunately in the Transvaal customary unions can be dissolved without recourse to the Courts. In Natal a divorce can only be granted by the Court and a union is binding until so dissolved, however long the husband and wife may have lived apart. In the Transvaal we only have the un-written Native customs to fall back upon in deciding whether a union has been dissolved or not. There is a dearth of books of reference on Native custom. Harries, in his *Laws and Customs of the Bapedi*, states that if a husband drives his wife from his home for no just reason, he forfeits all rights to the woman, the children of the marriage, and the *lenyalo* (*lobolo*) cattle. He further says that it is not actually necessary that he should forcibly eject his wife. He may show that he no longer wants her in other ways, e.g. by failing to clothe her, failing to plough for her, or closing the entrance to her hut with reeds and bushes. Infidelity of a wife is not looked upon as an unpardonable offence against society or against the husband.

"Seymour, in his *Native Law and Custom* refers to a number of cases heard by the Appeal Court in East Griqualand, where it was held that if a wife deserts her husband and he fails to persuade her to come back, the marriage is considered as dissolved from the day on which she left him, and that his only remedy then is to enforce the return of her dowry. The Courts of that Province will not permit a husband to gain by his neglect of duty, and will not let him stand aside and allow his wife to raise seed to him by other men.

"He further says that 'whether marriage is dissolved depends on the circumstances under which the parties are living away from each other.'

“Whitfield, in his *South African Native Law*, states that it has been held by the Transkeian Territories Native Appeal Court that the abandonment of a wife dissolves the marriage subsisting between her and her husband.

“In the case of *Somtsewu v. Xwazi* (3 N.A.C., Cape), Mr. W. P. Leary, Acting President, said : ‘The appellant has for a number of years neglected his wife. On two occasions her adultery was reported to him and he took no action. He did not visit her, as is usually the case when wives are *telekaed*, and this indifference amounts to rejection.’

“In another case, Mr. A. H. Stanford, President of the Appeal Court, after referring to the facts, said : ‘Under such condition the appellant cannot succeed. The marriage is not being annulled by the present action, but was dissolved by the appellant himself twenty-six years ago when he drove away his wife.’

“In view of these decisions, it appears to be clear law in the Transkei and also amongst the Bapedi tribe in the Transvaal that a customary union is dissolved if a husband either drives away or abandons his wife, and that it is not essential in all cases that any *lobolo* cattle should be returned to mark the dissolution.

“To force the woman in this case to return to the plaintiff and to leave the man with whom she has cohabited for many years, or to take her and W's children from their parents and hand them over to a man who is in no way related to them, would be acts opposed to the principles of natural justice (*vide* Section 11 (1) of Act No. 38 of 1927). Whatever Native custom may be, the Courts should not support it if natural justice is outraged thereby. Women and children cannot be treated as chattels.”

Accordingly, the Court (Mr. J. M. S. Brink dissenting) decided the case in favour of the defendant.

In Natal the grounds of divorce from a customary union are defined by the Code (Section 76) as follows :—

- (a) adultery on the part of the other partner ;
- (b) continued refusal to render conjugal rights ;
- (c) wilful desertion ;
- (d) continued gross misconduct ;
- (e) that the other partner is undergoing a term of imprisonment of not less than five years ;

(f) that conditions are such as to render the continued living together of the partners insupportable or dangerous.

In addition, the wife of a customary union may bring a suit for divorce from her husband by reason of (i) gross cruelty or ill-treatment on his part, or (ii) accusations of witchcraft or other serious allegations made against her by her husband. And the insanity or impotence of either party forms a ground for obtaining a declaration of nullity in respect of the union.

Divorce from a customary union is obtained only by order of the Native Commissioner's Court, and all divorces are therefore on record.

It may be added here that where Natives contract a marriage, the grounds of divorce open to them are the same as are available to Europeans. Under the Common Law these are adultery and malicious desertion ; and the Divorce Laws Amendment Act, No. 32 of 1935, added two more grounds, namely, incurable insanity and the fact that a spouse has been declared an habitual criminal and has been imprisoned for at least five years after such declaration.

Reverting to the definitions of marriage and of customary union, we may now note that their purpose was not simply to clarify the distinction between a marriage under the Common Law and one under Native law. A customary union is so defined as to establish its position in relation to a prior marriage by one of the parties. For Natives do not simply either marry or enter into a customary union. If they did, the legal issues would seldom be as complex as they are. Natives tend to enter a customary union during the subsistence of a marriage, or to contract a marriage during the subsistence of a customary union. In the former case, the definition of a customary union renders invalid the entry into one while a marriage exists. Where a man who is married purports to enter into a customary union with a woman and pays *lobolo* in respect of such a union, he cannot later under any circumstances recover the cattle. The Court will take the view that the *lobolo* he paid was " incident to a union unsanctioned by law ; it was consideration given for future immoral cohabitation " because he is presumed to have known that, being married, he could not take another woman as his wife by Native custom.⁹

The converse possibility, a marriage during the subsistence of a customary union, is contemplated by the Native Administration Act

⁹ *Mkwanaza v. Twala*, 1929, N.A.C. (T. and N.) 19. This case shows the significance of the amended definition, which was actually gazetted on the day that the case was heard.

(section 22). It provides that before a Native, who is a partner to a customary union, can marry another woman, he must make a declaration on oath before the Magistrate or Native Commissioner of the district in which he is domiciled. The declaration must state the name of his partner or partners in the customary union, the name of every child of any such union, and the nature and amount of the movable property (if any) allotted by him to any such woman or house under Native custom.

Where a man suppressed the fact that he already had two wives by Native custom and that he intended to retain them as wives, and failed to make the required declaration, his marriage to a third woman was at her instance declared null and void *ab initio*, and the custody of the three minor children of the marriage was awarded her. "To countenance the acts of the defendant," said the Court, "would be contrary to public policy as the law does not authorise the continuance or contraction of a Native union when either spouse enters or has entered into a Christian marriage for this immediately gives rise to an action for divorce on the ground of adultery."¹⁰

The cases that have been cited are perhaps enough to indicate some of the complications that inevitably occur in the contact and conflict of two different legal systems. Marriage by Native custom and marriage under the Common Law can never be entirely unrelated, especially in their legal consequences. Their relationship often produces problems which trained lawyers find it hard to decide. No wonder that the Natives themselves rarely grasp all the possible implications in a course of conduct adopted by them.

From the legal point of view, the extension to the whole Union of the Natal system of registration of customary unions would no doubt do much to obviate the major difficulty, the problem of proof, shown in the cases, but if it is to be at all effective, it should include the registration of divorces as well; and it would be desirable to make clear whether or not the validity of a union depends on its registration. But it is necessary to note that the mere registration of unions, even if made compulsory, will not by itself solve or even considerably reduce the other problems, social and moral, that are now so numerous in the matrimonial life of the Native because these problems are rooted in conditions that were not made, and cannot be un-made, by the law alone.

¹⁰ *Ndhlovu v. Ndhlovu*, 1937, N.A.C. (N. and T.) 80.

BANTU MARRIAGE AND CHRISTIAN SOCIETY

By HENRI PH. JUNOD

In his great book on *The History of Human Marriage*, Westermarck concludes as follows :—

“ Marriage has . . . been subject to evolution in various ways though the course of evolution has not been always the same. The dominant tendency of this process at its later stages has been the extension of the wife's rights. The history of human marriage is the history of a relation in which women have been gradually triumphing over the passions, the prejudices and the selfish interests of men.”

Bantu marriage cannot be said to have reached the later stages of this evolution before the advent of European civilisation ; and since then the custom has undergone fundamental changes which have altered its original structure. In this paper I propose to discuss briefly the following points, having in mind the Southern Bantu, and more especially the tribe I know best, the Shangana-Tonga :

(1) What is the origin of Bantu marriage ? What is its real nature and how has it been changed by present conditions of life ?

(2) What has been the attitude of the various Christian churches and missions towards the old custom ?

(3) Is there still a possibility of reintegrating into the new Bantu society the best features of tribal marriage ?

It is, of course, impossible to sum up in a few pages the material collected on this vital subject during nearly twenty years. I cannot hope either to present an adequate picture of the variations of Christian policy towards Bantu marriage. But the old Roman motto is younger than ever in our time of universal emergency : *Ne quid nimis !*

I

The readers of *Bantu Studies* are well acquainted with the subject. Therefore I do not need to give a full description of Bantu marriage. It must be clearly stated at the outset that there are many different forms of the custom and that I fully realise the danger of assuming that Bantu marriage is fundamentally the same all over Africa. The variations in detail are often so great that the common origin is difficult to trace.

Nevertheless, I think that the main principles of the custom are similar, and that, even when we meet such fundamental differences as insistence on exogamy or endogamy, according to various tribes, the basic transactions reflect the same instinctive social need.

What is the origin of Bantu marriage? What is its sociological background?

When one compares Bantu society which, on the whole, has outgrown totemism, with a true totemic society like that of New Caledonia, one is struck by the fact that the latter provides illuminating evidence to explain some features of the first. The marked differentiation of sexes in the process of education, in the attribution of work, in the attitude towards sexual taboos, in the very conception of life, all this seems to be an indication that Bantu society might have been based, in a remote past, on a social structure in which two different totemic groups had to find a way of coming together for the union of two of their members into marriage. It is true that in Bantu Africa we have to-day a very different situation from that of New Caledonia, where marriage implies the elaborate meeting of the totems, as symbols of Life represented by the woman, and the gods, as symbols of Power represented by the man. But when I studied the Ndaou of Portugese East Africa and their disappearing, but still obvious totemism, I understood that one can still follow the trace of a totemic past in Africa, and there are other instances of this. Any student who has tried to follow the ramifications of the laudatory names, the *swivongo* of the people, ramifications which lead much beyond the existing tribal groupings, will know that there existed before the tribes as we know them to-day other totemic groupings; a case in point is the "Ngwenya" groups, whose totem is the crocodile, and which can be found amongst the Ndaou, the Shangana-Tonga, the Nguni, etc. In dealing with Bantu marriage, I have often felt that some features of the custom may plunge their roots in a form of society somewhat similar to that of New Caledonia,¹ and it may be that if this possibility were kept in mind, the study of the African custom would be made easier.

The Totemic Age has passed away for Bantu Africa generally, and to-day we find Bantu marriage resting on the foundation of *lobolo* (*boxadi*, *mala*, *chiko*, etc.), a custom which has its equivalent in many parts of the world, and whose best known type is the Semitic *mohar*. It is a marriage by appropriation, like the *kalym* of the Turco Mongolians, the *nyen* of the Thibetans, etc. There are traces of the same custom in ancient Greece,

¹ For more details on New Caledonian Society, see Maurice Leenhardt: *Notes d' Ethnologie Néo-Calédonienne*. Institut d' Ethnologie. Paris, 1930.

where Aristotles refers to the Greek maid of Homeric times as *alphesiboia*, i.e. "the one who brings cattle to her parents." The rights of *Munwald* of the old Saxo-Germans, and the right of *manus* of the Romans are other examples of the same fundamental transaction. One could multiply these instances and it would be found that, all over the world, marriage by appropriation, often with transfer of cattle, is known. This shows how wrong it is to isolate Bantu marriage from marital customs in the rest of mankind.

As previously stated, Bantu marriage varies considerably, but the variations mainly concern outward features. In details, the *chiko* of the Ila seems very different from *lobolo* of the Nguni or *boxadi* of the Sotho, but the fundamental transaction is very much alike.

Amongst the Shangana-Tonga, the custom may be described as follows :

Lobolo is a contract between two clans of the tribe which, obeying the exogamic instinct, wish to realize the union of two of their offspring. The clan of the man provides a certain value (*vukosi* or *lobolo*) in cattle, goats, linen, hoes or pounds sterling, whose amount is fixed by mutual understanding. In exchange, the clan of the woman, represented by her father or his substitute, alienates from itself the child-bearing capacity of their daughter, which is legally transferred to the man's clan. The woman is not sold, or given, as a person. She retains her *shivongo*, her clan name. But her *mbeleko*, her womb, i.e. her power of giving life now belongs to her husband's clan. Marriage only justifies itself as a way for having children, and the man and the woman have little or no importance individually.

Two additional facts must be stated :

(1) *Ndzaka*—inheritance. Through the *lobolo* transaction, the woman is bound for her whole life, not only to her husband, but to his clan. Being in part a property of this clan, if her husband dies, she must become by law the wife of her husband's brother or his next of kin. She cannot recover individual freedom. To this must be added the elaborate extension of relationship through *lobolo*, amongst the Shangana-Tonga, which provides the man with prospective wives, in case the woman is barren or dies suddenly without having had children. This aspect of the custom, which may be distinctive of the Shangana-Tonga, has been well described by Rev. A. A. Jaques in a valuable article.¹

¹ A. A. Jaques, *Terms of kinship and corresponding patterns of behaviour among the Thonga*. *Bantu Studies*, III, pp. 327-348. 1929.

(2) *Tshengwe*—wives of a man—polygamy. Marriage based on *lobolo* is not necessarily polygamous, or rather, polygynous. But the very provision of presumptive wives is illuminating, and shows the completely different nature of Bantu marriage and European marriage. A man who has *loboloed* a wife is at complete liberty to marry as many other wives as his means permit him to do.

What is the real significance of tribal marriage and how has European civilisation changed it ?

In a tribal society, *lobolo* has many favourable aspects. It saves the integrity of the group ; it prevents accumulation of individual wealth and thus provides something like the *aurea mediocritas* praised by ancient Rome ; it draws a clear distinction between a legal marriage and an illicit union, it tends to hinder divorce though it does not prevent it ; it gives full material value to the children from their parents' point of view ; it stimulates young men to search for work and get the necessary means, cattle or money. All these points would deserve a full study, but are simply mentioned here.

The positive sides of *lobolo* cannot veil the great inconvenience of the custom, even in heathen surroundings. Marriage is a tribal concern and the freedom of the individual is often curtailed beyond reasonable limits, this being true not only of women but also of men. *Lobolo* is the product of a social system under which woman is not only considered as different from man, but inferior in social status ; it encourages young men to work but adult men to idle ; it ties a woman for life by an unlimited contract, and thus renders the position of widows untenable ; it creates a source of friction between the husband's people and the wife's relatives, and in that sense, *lobolo* may well be the main reason why the Shangana-Tonga say : *Vukati bya katinga*—" Marriage roasts (hardens) ! "

Merits and demerits are indeed very even, and it would be an idle task to compare them. At the present time, such a discussion would be useless. There have already occurred such changes in the situation that in some cases the whole *lobolo* transaction is practically unrecognizable. What are the main causes of these changes ? In a word, the advent of European civilisation ; but some aspects of our civilisation have been more directly responsible for the rapid deterioration of the old custom and these may be outlined as follows :—

(1) The conception of the rights of the individual man and the individual woman has destroyed, for all practical purposes, the basis of Bantu collectivism. We are ourselves beginning to doubt the wisdom of

a system in which individual licence flourishes. But it is easier to persuade man of his rights than to insist on his duties.

(2) The economics of civilized society has smashed the basis of tribal economy. Industrialisation, migration of labour, the advent of money introducing the idea of profit and greed—all this has overwhelmingly altered the principles on which *lobolo* transactions were being carried out.

(3) Perhaps the sociological impact of Western life has been still more disastrous. If we compare the rural Bantu communities with the urban ones, we can see how rapid and complete has been the destruction of family stability. The promiscuity prevailing in Bantu urban locations, largely imposed upon the urban Africans by economic necessity—a promiscuity which is repulsive to the unsophisticated Bantu people—has done more to harm Bantu family life and to lower the standards of Bantu marriage than anything else could have done. All the facts brought to light by social workers and commissions of enquiry on that subject are abundant proof that this assertion is true. Nevertheless, one should not idealize the life in the reserves. Not only is the process of deterioration going on there, but even in tribal conditions the situation was far from ideal.

(4) Unfortunately one must add to these disturbing influences the fact that the Christian churches have not been able to formulate a common policy towards *lobolo*. The agencies provided by tribal custom for inculcating the principles of marriage and sexual teaching, the age groups and initiation schools, which were useful but not the ideal agencies sometimes described, are rapidly disappearing, in spite of an occasional revival. The churches and the schools must tackle the problem urgently, and their duty is clear, because Bantu family life and Bantu marriage mean more to them than to any other agent of civilisation. That is perhaps the reason why a missionary has been asked to write this paper and why he has accepted this task, alas too lightly!

II

The Government of the Union of South Africa has made a valuable contribution to the unbiassed study of Bantu marriage. The results of two important inquiries into the subject were published in 1883 and 1905, and no surveys undertaken anywhere in Africa to my knowledge can compare with the evidence gathered in these valuable documents. I have not been asked to go into the legal aspect of the question and do not intend to do so. But it may be said that, true to the British and Dutch

tradition, the Commissions went deeply into all the main aspects of the problem. Opinions were collected and carefully sifted, and the attitude adopted was one for which I have personally great admiration and respect. If the gist of this attitude were combined with some aspects of the practical policy adopted by some of our Portuguese friends administering Portuguese East Africa, a progressive line of action could be outlined and much benefit derived therefrom.

It is extremely difficult to give an account of the policy adopted by the various Christian churches and missions in South Africa in regard to Bantu marriage. Ecclesiastical regulations are not all published, and even when they are, there exists a great variety of interpretation as soon as disciplinary action is contemplated. Moreover, there is a great deal of inconsistency to be found. With all the intermediary hesitant policies, two main lines of thoughts, opposing each other, have been defended, tolerance and prohibition.

Numerous Churches have taken an attitude of accommodation and tolerance towards *lobolo*, and it is interesting to find among them a few which are most rigid on matters of morality and discipline. These Churches believe that African custom will be changed only *from within*, and their opinion may be summarized as follows.

Cattle marriages have made the union of man and woman something different from simple temporary cohabitation. In spite of all that can be condemned in them, they have put the official seal on the marriage contract. Colonial administrations consider generally that *lobolo* is a relative guarantee of the durability of the union. Therefore the church, without giving its sanction or directly approving of the custom, tries to eliminate from it its unfavourable elements, and it believes that Christian influence and the progressive advance of civilisation will replace *lobolo* by the individual conception of marriage of civilized society. The church does not legislate. It presents the Christian ideal and believes that tribal standards of life will be replaced from within by the spirit of Christianity.

To the prohibitionists who advocate the suppression of *lobolo* by disciplinary action, it is pointed out that regulations imposed autocratically are ineffective. There is no concession to evil, but evil must be fought where it really is. Christianity did not bring a new set of laws, but a new spirit. To enforce legislation in these matters is to drive people into hypocrisy.

“*Lobolo* is not a mere sale and purchase,” says the Bishop of St. John’s. “It affords protection for the maiden from corruption and a

certain security for the wife's welfare. The woman has really no word in the disposal of her person, but she often manages to get the husband she prefers. The father retains a right to interfere for the welfare of his daughter."

The Superintendent of the Berlin Mission, after a valuable survey of the custom, offers the following proposals:—

"(1) Discourage by all lawful means the present degenerated practice of *lobolo*, but *do not excommunicate*.

(2) Let the girl declare that she enters the state of matrimony by her own consent and not by constraint of her relatives.

(3) Accept the two canons of the old church—(if the father (i) constrains his daughter to marry against her will, or if (ii) he dissolves a settled engagement without the consent of his daughter, he is to be put under Christian discipline.

(4) Do away with all evil consequences of *lobolo*, i.e. no lawsuit about the *ifazi* should be admitted in our Courts."

Many missionaries emphasize the fact that prohibitive legislation has only driven people into hypocrisy and deceit.

Many Christian churches have fought *lobolo* tooth and nail, and they tried to impose prohibitive legislation. Their point of view may be expressed as follows:

Lobolo is an inferior form of human marriage; it ties the individual to his clan; it encourages cupidity and sensuality; it renders impossible a true Christian family life and constitutes an obstacle to progress and civilisation; it is the basis of a heathen society; it creates a community in which woman works and man idles; the noblest union becomes a business transaction. Therefore the church breaks completely away from the past. Every Christian must renounce his right to *lobolo*, or be excluded from the communion of believers.

In answer to the plea for tolerance, it is argued that there can be no compromise with evil. As the African church is not yet a fully grown-up Christian body, it must be governed by clear-cut principles. The new spirit of Christianity must part with a custom which degraded the individual.

The most outstanding protagonists of this attitude have been the French and Swiss missionaries of Basutoland. They say: "Cattle marriages mean polygamy, systematic sensualism and immorality. Take them away and the whole fabric is broken into pieces."

Rev. E. Jacottet, the great Sotho scholar, writes :

“ *Bohadi* is even carried so far in some instances that a wife is actually taken for an already dead husband, the father of the dead boy purchasing a wife in the name of that dead child, in order to raise by proxy a progeny for him. Women may even be married in that way by other women. If *bohadi* could be disconnected from such practices and the wife become free at the death of the husband, it might to a certain extent be defended, but it cannot be hoped for ! ‘ *Sit ut est aut non sit.* ’ ”

Quotations might be multiplied, but the position is quite clear and we can now take stock and try to outline a possible compromise.

III

In human problems it is always wise to urge moderation, and the recent developments in the situation concerning Bantu marriage urgently require prudent counsel and clear thinking. Scientific judgment is better than any *rabies theologica*.

(1) The first comment I wish to make is that no solution or clear-cut principles have really produced the results expected by either the tolerants or the prohibitionists. Without being unduly critical, I may say that Christian missionary leaders have perhaps been too prone to impose their own views upon the Africans. Bantu Christians have been under the spell of inhibitions in the presence of people who knew so much about their own affairs, and therefore they have been unable to express themselves with complete freedom. To my mind, this is the reason why they seldom formulated an independent opinion, showing the usual shyness, self-restraint and politeness of their race.

(2) In the Commission's Report of 1905, I find the following significant statement :

“ Even if possible, it would not be advisable to do away with the payment of dowry until Christianity and civilisation have advanced sufficiently amongst the Natives *to have substituted something which will take its place.* ” (para. 306).

It is perhaps too late to offer constructive proposals in answer to this challenge ; perhaps deterioration has advanced too far ; perhaps the old custom is now beyond redemption. I should like, however, in the space still available, to sum up briefly how the problem appears to me, without minimizing at all the hopelessness of Bantu marriage to-day.

Christianity has not been a repressive, but a sublimating force, except when betrayed by its human representatives. The spirit of Christ has always built the new life on all positive aspects of the old one. His sublime conception of the divine nature of man is illuminating in that respect: "*Ego eipa theoi este*" (John X. 24). Also: "*Ouk elthon katalusai alla plerosai*" (Matthew V. 17). So the first condition for a true Christian approach is reverence. It is well in agreement with the old precept: *Maxima debetur puero reverentia*, especially if the child is the growing African community. Therefore, in complete accordance with the Commission's recommendation that the right policy is one of progressive substitution, I would further suggest that—

(3) Native African Christianity should be left free to frame its own policy in matters of such extraordinary importance for the race. Pressure by either prohibitionists or tolerants is to be regretted, perhaps more so because the Bantu people do not assert themselves very forcibly and have a great sense of the other man's freedom of thought: *Mianakanyo i vuhosi*—"Thoughts are one's kingdom," say the Shangana-Tonga. Church policy does not need to be weak, but it must never be an abuse of power. As is well known, some churches are building the African Christian community within the Mother Church, and not as a parallel African society. In this case, it would be most undesirable to have two different sets of regulations, one for the Africans, the other for the Europeans. But the solution may perhaps be found in the happy expression "convergent evolution." Let the Bantu "intelligentsia" come forward now and help in the formulation of a line of action capable of dealing with the moral conditions of many urban homes. Perhaps they would tell us that a very strong hand is necessary in the matter of *lobolo*.

(4) The method of tolerance is definitely sound when it aims at developing African Christianity from within. Our Christian action has often been far too legalistic, and in that it has given way to the strong legalistic tendencies of the Bantu people. But, on the other hand, a Christian community cannot admit a custom which, if not altered, has very serious moral inconvenience. Without imposing a mechanical conception of fighting with evil, it cannot wait, as the State does, following the event, and this fact shows how good it is for the church to be disestablished, co-operating with the State, but not a part of it. The State may temporize, but the church must find a solution in accordance with its principles, a solution worked from within.

To my mind it is most important that the church should refrain from excommunication or severe discipline in a case where the individual is

largely dependent upon his milieu. Is it not extremely significant that the churches which have been most emphatic on the necessity of complete prohibition of *lobolo* should have been driven into changing their attitude by further experience? The example of Basutoland is a case in point. We must remember that the church has jurisdiction over an individual for as long as he remains within the Christian community. If he goes out, he still remains a member of the larger community represented by the State. And so we come back to the fundamental principle that, if a social need exists, one cannot destroy it by legislation; one must answer it. Sociologically a custom can only be checked, in its evil features, by adequate substitution.

(5) Christianity checked slavery by creating individuals who were free in their own hearts. Christianity should be able to change *lobolo*, to create a Christian institution on the basis of Bantu marriage, which would replace it.

If a Christian father could accept *lobolo* under the specific conditions

(i) that the value accepted is for the benefit of the daughter and her children;

(ii) that the contract thus sealed is for the duration of the husband's life only;

(iii) that in case of divorce, the respective rights of husband and wife shall be established as in European Courts, the custody of the children being awarded accordingly:

It seems that there is not much harm in retaining *lobolo*. I admit that this is no more the Bantu custom and that it may be difficult to impose such a solution. But is it wiser to suppress *lobolo* purely and simply and to allow a state of promiscuity to develop? The deterioration of Bantu family life, especially in urban areas, calls for immediate, drastic action; a clear-cut policy is needed. On the basis of a modified custom, I advocate the immediate recognition of *lobolo* not only in our Courts, but also in church. If the restrictions mentioned above are imposed, I do not see any reason why such a policy would not work. The old custom is doomed, but some features of it can still help us to rebuild Bantu marriage.

Our European marriage customs are not so ideal. We can see at present how ineffective they have proved in checking divorce. If such a solution as that just outlined could be accepted, a better system would obtain. Instead of the dowry being paid by the father, as in our custom, a system which leads sometimes to a low form of business transactions,

and whose moral superiority to the Bantu ways is more than doubtful, a Christian form of marriage could be sanctioned, where the position of the bride would be enhanced, where the effort of the bridegroom would be preserved, where the father of the woman would be her child's trustee, directly interested in her welfare. Bantu society would be preserved from the danger of a capitalistic notion of wealth, and encouraged to preserve a kind of family communism which is closely akin to the Bantu ideal.

All this is perhaps wisdom after the event. But only those who have an ideal and can fight for it are able to cope with the difficulties of our time. The Church knows that spiritual forces exist which can achieve the so-called impossible, and prohibitive legislation has proved to be a poor substitute for these spiritual forces. There are a few indications that some constructive inspiration might still be derived from the principles of Bantu marriage.

Firstly, the disintegration of morals which is taking place at the present time shows the danger of individual licence. The prevalence of divorce in civilized communities, the so-called free love which is a misnomer for sexual depravity, the disruption of marital relationships—all these show clearly that the restrictive features of *lobolo* were the result of a long social experience. External as they may appear, it seems that even civilized people would have been helped by something similar. The civilized veneer is often very superficial, and there are crises in human relationships when it quickly disappears, giving way to the most primitive egoism.

Secondly, material considerations are by no means absent in civilized marriages, and the abuses of an acquisitive society are not on a higher moral scale than Bantu collectivism. If the acquisitive instinct of man is to be domesticated, the imperfect efforts of a society which has been unprogressive, but profoundly humane, can be useful in the shaping of the new Bantu order. Polygamy is giving way, and so does the Bantu levirate. The main unfavourable elements in *lobolo* therefore begin to disappear.

Thirdly, the fact that the imposition of European marriage has not proved successful and that the sanctions provided by European law and Church discipline have proved unable to check the disintegration of Bantu social life, calls for the formulation of a new policy, which would not be a return to heathen *lobolo*, but the establishment of a Christian institution, whose informing principles would be both the Christian outlook and the positive aspects of the old custom. Is there any moral harm in the transfer of cattle or wealth which puts an official seal on Bantu marriage?

“The little frog taught the elephant.” Bantu custom may teach even Europeans. The fact that *lobolo* has not been uprooted after so many years of prohibitive action and urban deterioration, is illuminating. It is not a proof of the overwhelming nature of sin, but an indication that the Bantu people, in their isolation from civilizing currents, in their intellectual poverty, in their deep social need, are convinced that they have found in *lobolo* something valuable for the stability of marriage.

Let all those who believe in the Bantu race, in its magnificent qualities and adaptability, come together and build, under the inspiration of Christ, a new institution of Bantu marriage.

“ BWANGA ” AMONG THE BEMBA

PART II¹

A Linguistic Consideration of the Name *Bwanga*

By R. J. MOORE

The Bemba language in common with many other Bantu tongues has a number of noun classes, some of which show a certain amount of selection in the objects of which the classes consist. This is seen in the personal *umu-* pl. *aba-* class, the *uku-* infinitive of action class, and *ubu-* which roughly corresponds to a class of abstract nouns. Thus included in this latter class is not only *bwanga*, but also such words as *ubuloshi*, witchcraft; *ubunanjani*, laziness; *ubupupu*, theft; *ubusuma*, goodness. A good thing would be *icintu cisuma*, but *te pa busuma*, literally “ not half goodness,” means that something is very good or pleasing. In the same way *ubwanga* is used in speech; a man may speak of *ubwanga bwandi*, my *bwanga*, or *ubwanga bwakwe*, his *bwanga*, or *ubwanga bwa balya bantu*, the *bwanga* of those people over there. This does not necessarily mean the qualities possessed by these people but is almost certain to refer to medicines possessed by them. The word is also connected with *shiyanga* or *munyanga* which means a medicine-man, the *shi-* or *mu-* being a personal prefix, *shi-* is a male prefix and often can be translated “ the father of so and so.” When a man has a child named, say *Bwalya*, the father whose real name may be *Musonda* does not hear “ *Musonda* ” nearly so often as “ *Ba-shi-Bwalya*,” i.e. “ *Mr. Father of Bwalya*,” so in some sense, the medicine-man may be thought of as the father of *Danga*, either through some quality in himself, knowledge, or medicine he has in his possession.

Various uses of *bwanga* have been recorded which correspond with magical uses of plants, birds, animals, etc. I am sure there could be no *bwanga* which did not include these medical substances. I have repeatedly asked this question and always been told that *bwanga* must mean the use of charms and medico-magical substances, although, of course, many people who use the term *bwanga* in conversation do not necessarily know the various ingredients which compose the *bwanga* of which they speak.

¹ The first part of this article appeared in *Africa*, Vol. XIII, No. 3, July, 1940. The second part is published here because *Africa* has suspended publication for the duration of the war.

If, for instance, a death occurred and foul play is suspected, sorcery in fact, when the matter is discussed by those who gossip round the fire, they would speak of the *bwanga* which had killed the person, meaning various roots, rites and words used by the sorcerer; but the term might also cover their ignorance of the actual medicines used and actions done. Also, if a man returns home one day and finds a suspicious-looking article lying across his path, against his doorway, or stuck in his roof, he gets very angry and if asked why, say "*te bwanga?*" "*Isn't it bwanga?*" meaning that some malevolent person had deliberately used those objects and the properties believed to be resident in them to harm him. The objects themselves might appear to be harmless enough, a stick or two, a feather, or piece of skin, any of which might have found their way to his house in a number of ways. The man himself might not know what the objects stood for or what properties were supposed to be inherent in them, but the general term *bwanga* would cover the use of them in this particular way. A Bemba would not speak of the *bwanga* of a living object such as a tree or an animal when it was merely standing in the forest and not being utilised for *bwanga* purposes. When discussing this question with Babemba they would speak of the *fishimba* of an object, that is the parts of it which can be used in *bwanga*, the ingredients of a charm for example. A very common phrase is *ukupando bwanga* which means to mix *bwanga*, and is used of a person when he takes the *fishimba* and mixes them up with other medicines not regarded as *fishimba*, as he often has to do, in order to make a powder for placing in a horn or sprinkling around the house or a garden. But it could also refer to other forms of *bwanga* which ingredients must be mixed, but which are not necessarily powdered. They would say *shinyanga alepando bwanga bwebala* "the medicine-man is mixing garden magic." But the phrase *ukupando bwanga* is not only used of the medicine-man, it is used also of sorcerers, and indeed anyone who has the necessary knowledge of the medicines which must be used for his purpose. Many of the simpler uses of *bwanga* are common knowledge.

The language of Chibemba is very rich in nouns for plants, shrubs, trees, insects, etc. But one will suddenly come upon some object which apparently has no name; a tree for instance which is simply called *umuti*, the generic name for trees, but has no individual name. On investigation it usually proves that the objects which have names are used in *bwanga* and possibly also have other uses, while an object without a name has no such use.

The term *bwanga* often has various descriptions attached, thus forming sub-divisions within the main category. There is *bwanga bwa*

kulunga, hunting *bwanga*, some of these have been described, such as the use of a root called *cito*, because of its similarity with *ukwita*—“ to call,” it is believed that this medicine will call animals towards the hunter. *Bwanga bwa mfuti*, is *bwanga* for the gun, to enable the hunter to shoot straight and for his shot to be deadly. *Bwanga bwa kwipaye sabi* is *bwanga* for fishing, which would include charms tied on the nets, medicine rubbed on fish spears, or thrown in the fire in whose smoke the nets are held in order to acquire the properties which the medicines are believed to impart. *Bwanga bwa buloshi* stands for witchcraft magic. *Bwanga bwa kwishiliko mushi* is *bwanga* for protecting the village. This would be taken to mean any medicines used to protect the village from the ravages of savage animals, against witchcraft or other foes, and against plague and similar disasters. It might be taken to refer particularly to those medicines placed in a horn and buried at the site of the village before it was even built and facing which would be the door of the headman’s hut. It could refer to other medicines and charms used, possibly on special occasions, such as after the village had suffered loss through the attack of leopards. The medicine-man might utilise this type of *bwanga* in order to give the village stronger ramifications; he would almost certainly sprinkle medicines in a circle round the village as part of his proceedings. There are other protective forms of *bwanga* as, for instance, *bwanga* for protecting the gardens, for protecting an individual’s house and property and for protecting a man on a journey.

The category of *bwanga* might be thus sub-divided to cover almost every purpose, from causing a chieftain’s village to grow, his people to love him and his cattle to increase, to *bwanga* used by the ultra modern Bemba in industry in order to obtain the favour of his employer and an increase in wages. Further examples from *bwanga* among the Balamba are given by Professor C. M. Doke in *The Lambas of Northern Rhodesia*.

A sorcerer may be said to kill by his use of *bwanga*, “ *ukwipaye no bwanga*,” and also to throw *bwanga*, “ *ukuposa bwanga*.” The latter statement would be taken to refer to practices such as the use of the *lupekeso*, which is a deadly charm consisting of various ingredients, such as arrows and part of a tree struck by lightning, which, from their very nature are objects which operate over distance. I think this is all that is meant by the saying *ukuposo bwanga*, simply the use of that form of *bwanga* which is believed to work over a distance anyway.

Bwanga has a plural form, *manga*, which is frequently heard. *Bwanga* is in fact, not one, but many, corresponding to its different functions and the different ingredients used. Asked the difference between *bwanga*

and *manga* a Bemba replies “*Amanga yaba ku bantu abengi bamitundu ayengi, e calenga manga yengi.*” (*Bwanga*s belong to people of many different tribes, therefore, there are many *bwanga*s). I once asked whether *fishimba* were taken from a snail, the reply was, “I don’t know, perhaps they do, because *ku bantu fyonse fya manga.*” (i.e. all things have their *bwanga*s). This is a very interesting statement as it confirms one’s impression that each object has its own form of *bwanga*; the two plurals *fyonse* and *manga* are significant, obviously implying that each thing has its own *bwanga*. Another man said “*Amanga yalekana lekana pa mulandu wa miti ine.*” “*Amanga yali ayengi, pantu kuli ya kwipaye nama, na bambi baiipaye bantu, na yambi yali ya kushiliko mushi nangu fintu fikali teti fificheko.*” *Bwanga*s differ from each other because of the medicines themselves. *Bwanga*s are many because there is the sort for killing animals, others kill people, different sorts are for protecting the village, nothing dangerous could reach there.

“*Nga kuli calo ukwabule miti teti kube ubwanga.*” If there is a country without trees (or medicines), there can’t be any *bwanga*. They go elsewhere to get *manga* (i.e. different sorts of *bwanga*). Another spontaneous utterance was “*mu lusengo lwa cisongo bapanda manga sana,*” i.e. in the *cisongo* horn they don’t half mix *bwanga*s. This particular horn is used for containing different forms of *bwanga*. Also “*Manga ayengi pantu mashina ya fimuti ayengi;*” *Bwanga*s are many because the names of trees are many.

We must now consider a translation of the word *bwanga*. In the light of the above facts I think there could be no better literal translation than that given by Smith and Dale,¹ namely “the contents.” It would admittedly be difficult to use this literal translation in every case where the Native uses the word *bwanga*. But nevertheless I think the idea is there. For the *bwanga* always seems to refer to the operative qualities of certain medicines and substances used, the *contents* of which are believed to bring about the desired result. It is by throwing the contents of the *lupekeso* that the witch can kill his enemy; this is not like throwing a brick or a solid article, it is more like “the contents of the contents,” i.e., the operative qualities, which are thrown and do their deadly work. I think the translation of *bwanga* as “magic” or even as “magical contents” would convey a wrong impression. *Bwanga* is not magical to the Native, it is commonsense in which everyone believes, it is the use of the “contents,” the essence of substances, their operative properties. As a translation of *bwanga*, I prefer “operative properties” to “contents;” the idea is the

¹ *Ila-Speaking People of Northern Rhodesia*, Vol. II.

same, but one can speak of the use of certain operative properties for agriculture or protecting the village, whereas one cannot use the word “contents” in that way.

Thus, I take the word *bwanga* to cover a general category of objects, which are believed to contain efficacious properties. It is only natural that single words should be used in this way to avoid unnecessary circumlocutions. Instead of referring, for instance, to certain “leaves, roots and animals’ bones used to increase agricultural produce,” it is much simpler to use a single word to cover them all. Such a word is *bwanga*. But I think it would be wrong to infer from the fact that such words exist that the peoples concerned have necessarily theorised about their actions. I think it is only a matter of time for a set of actions to become generalised in speech, and therefore the general word used has little or no meaning in the abstract, but must always be used in connexion with the practices themselves. Thus for ourselves the word “medicine” has come to stand for the science, knowledge and use of medicines, but it could scarcely convey much meaning apart from actual medicines. We should not believe in the efficacy of medicine apart from drugs, as though there were an abstract efficacy. I think that some anthropological thought on this subject stands in danger of falling into this very fallacy, actually basing elaborate theories on the use of such words.

What seems to me to be one of the most important facts connected with this subject is the supremely prominent part played by medical ingredients (what the Bemba call *fishimba*) in all magical practices. Starting at this point with the Bemba, in perusing the examples of their *bwanga* given, the fact that the operation of *bwanga* always includes and refers to these *fishimba* is very impressive. Throughout the whole of that part of the evidence there is one fact which commands indisputable prominence and that is the unique place of the *fishimba* or medical ingredients in any *bwanga*, and further, the connexion in the Native mind between the nature and intrinsic properties of the *fishimba* and the results which may be expected from their administration. Where to the European observer they may be casually noted as “certain leaves,” or “pounded roots,” and other more obvious parts of ceremonies are specially recorded, to the Native the whole ceremony or medicine is dependent upon these pounded roots, and they must be those particular roots and none others because only those particular ones contain the properties then required.

Would it be true to make the assertion that all *bwanga* is dependent for its efficacy upon the *fishimba*. This cannot be proved without detail-

ing all *bwanga*, and as practically every physical object has *bwanga* qualities, this is an impossible task ; we can only judge by indications and specimens. The foregoing specimens were not specially chosen but have been taken at random, and it is found that they can always be explained in terms of *fishimba* properties. That there are forms of *bwanga* which are not readily understandable even to the Natives themselves is only to be expected, but every instance of *bwanga* has an explanation, and that fact is one of the five additional points elucidating the conception of *bwanga*. They are :

1. The *fishimba* qualities are believed to be the actual nature of the objects and therefore themselves are able to produce the results.
2. Objects used in *bwanga* are often put in a special personal noun class indicating an inherent potentiality.
3. To the Natives each form of *bwanga* has its explanation without reference to an exterior causative power or influence.
4. The well-known animistic connection between the name and nature of an object is made use of in *bwanga*, the power or operative property is resident in its nature.
5. Many medical forms of *bwanga* have names (apart from the names of *fishimba* used) thus showing their separateness from each other.

These points will now be dealt with a little more fully.

1. If asked why the administration of such and such a *muti* has the supposed result, or a *chishimba* its particular quality the reply is nearly always, "*Efyo caba.*" (That is what it is,) i.e. what its nature is, what it actually is and not what it is connected or associated with, e.g., eating *cisongo* does not produce spots merely because the *cisongo* has a spotted skin but because it is essentially and intrinsically concentrated spottiness. This then, also, throws light on the Bantu attitude to strange objects ; the properties of these objects being unknown, it is obviously prudent to refrain from tampering with them. For instance, in districts where bananas are unknown, it must be taboo to eat them when introduced, for, quite conceivably these yellow things might give the eater jaundice, or, on account of their cluster formation, cause him to be the father of twins or more !

2. The Native's attitude towards specially significant objects is also reflected in the grammatical grouping of some of these nouns into the personal noun class.

E.g. <i>Fulwe</i>	pl. <i>Bafulwe</i>	<i>Fwifwi</i>	pl. <i>Bafwifwi</i>
<i>Pungwa</i>	<i>Bapungwa</i>	<i>Lufwinyemba</i>	<i>Balufwinyemba</i>
<i>Cipungu</i>	<i>Bacipungu</i>		

The fact that an object has an irregular plural of this sort is often a clue to its *bwanga* potency and usually confirmed on enquiry. This grammatical phenomenon strengthens the case for believing that the actual objects themselves contain the full *bwanga* properties.

3. When an instance of *bwanga* is related and the informant is asked for an explanation he may say, “ *Nshishibe umo balosha.*” (I don’t know where they face it, i.e., how they interpret or connect the actions or *fishimba* with the result desired). Or again, in asking for an explanation the question “ *Bushe balosha mwi ?* ” may be put, (“ Where do they face it ? ” i.e. how do they interpret it ?) and if the explanation is known, the connection between the *fishimba* and the desired result is always given. Thus the Natives always assume that there is a connexion between the *fishimba* and the result, even if they are not familiar with it, and never give the explanation as lying in an external influence or power of which the *fishimba* are merely instruments or vehicles.¹

4. There is a group of *fishimba* in which the association of properties with results is less obvious. It is understandable that the cunning of the rabbit might be passed on to man, or the poison of a snake used to bewitch an enemy ; but it is not so obvious why a tortoise in a man’s path should mean he will quarrel with his friends, or that part of a suicide’s body will make a garden grow. The explanation of this *bwanga* group involves another wellknown animistic conception, the intimate connexion between the nature of an object and its name. To know the name of a man is to have power over him and for this reason the Bantu seldom tell strangers their true name. Even if the properties of *fishimba* are known without knowing their name, they cannot be utilised and, *vice versa*, knowing the name of an object, a person often reckons that he knows the properties of it, too. From this connexion between the name and nature of an object it is a short step to apply the name quality in *bwanga*, even if there is no connexion between this quality and the verisimilitude of the object to the uninitiated. So we find that the tortoise, although it is a harmless and anything but angry little creature stands in the minds of the Bantu as containing “ anger essence ” because its properties must be the same as its name.

5. Some of the names for different medicines are :—

¹ In this connexion the word *kupashanya* is frequently used, meaning to resemble.

Cipapo—a medicine to cause conception.

Cibyalilo—a medicine to give good growth to seeds when planting them.

Cambu—a medicine set to guard food.¹

Lukulo—game medicine.¹

Lupekeso—a deadly medicine which works over a distance.

Lwambu—medicine to guard a field.¹

Mulombo—medicine used in the birth of twins.

Kainabi—medicine for strength.

Kalunga—a device used in divining.

Mampiti—strength giving medicine.

In each of these medicines there are a number of *fishimba* ingredients which are given appropriate individual names often according to the result desired. The fact that these are individualised in this way I regard as another slight indication that they are self-sufficient and independent.

In considering such a subject as this it is inevitable that we should introduce certain categories which are our own and foreign to primitive man and even make the attempt to translate certain almost untranslatable words. But in doing so we must beware not to go beyond Native facts. Here an attempt has been made, by a use of Native facts, to show how far a general term covering them does or does not correspond in the Native mind with general realities. Thus *bwanga*, though admittedly a general term used in speech, raises the question of how far it reflects a belief in a single concrete reality by the people concerned. I think the facts produced should answer that question for us. Without the material substances, animate and inanimate, there could be no such thing as *bwanga*; this term is an abstraction such as our terms "properties" and "efficacy." As we refrain from speaking of ourselves believing in "efficacy" apart from the efficacy of a concrete thing, so should we refrain from inferring that primitive peoples whom we are endeavouring to understand, believe in the reality of an abstract term because they happen to use it in connection with a number of concrete things. "Unfounded and dangerous is the assumption that language simply mirrors reality. Even more dangerous is the fallacy of one word—one idea—one piece of reality."²

¹ Note: These definitions were given by W. Lammond in his *Bemba-English Vocabulary*. Informants also say of *Cambu* that it is a medicine used by a husband or wife when the other is suspected of adultery. The medicine causes the lover to be ill. It is also said of *Lukulo* that it can cause crops, manufacture of salt, etc., to increase. It is derived from *kukula*, to grow.

² B. Malinowski, *Coral Gardens and their Magic*, Vol. II. p. 65.

A PROBLEM OF ANTHROPOLOGICAL APPROACH

By A. I. RICHARDS

Anthropologists will recognise at once that Dr. Evans-Pritchard's *The Nuer*¹ is a very important book—important because it gives us fresh information on a little known people, but more so because of its new theoretical approach. Within the limits of this short review I want to discuss it from these two points of view, i.e. as a contribution to African ethnography, and as an experiment in sociological theory and in the presentation of anthropological data.

First, then, this account of the Nuer is welcome because it brings our knowledge of the Sudanic tribes so much the nearer to completion. This area, first surveyed by the late Professor and Mrs. Seligman,² has been the scene of much of Dr. Evans-Pritchard's work among the Zande, the Anuak, and now the inaccessible Nuer, who inhabit the swamps of the Upper Nile above its junction with the Sobat and the Bahr-el-Ghazal. For the present material ethnographers owe him a special debt. The Nuer country is difficult to reach and makes an unpleasant and unhealthy habitat for a European. Conditions of work were difficult for an investigator, partly owing to the seasonal movements of the people and the lack of Nuer grammars and interpreters, but also because of the psychology of the people themselves, who were smarting from a recent defeat by the Government forces, and seem in any case to be shy, aloof, touchy, and without that black-to-white servility that has enabled anthropologists in other parts of Africa to elicit information even from unwilling Natives. The typical conversation with a Nuer informant which the author gives on page 12 will enable any fellow-field worker to understand that feeling of irritation and frustration that he describes with his usual wit and christens "nuer-osis!" The view from his tent door depicted in the photo called "August shower" (Plate XIV) will give some idea of the author's really unpleasant conditions of life. Under such circumstances it was surely something of a triumph to have collected the material published here.

The descriptive matter in this book is of interest since it deals with one of the loosely organised congeries of tribelets which Dr. Evans-Pritchard has described elsewhere as "stateless societies."³ His state-

¹ *The Nuer: Their Modes of Livelihood and Political Institutions*, by E. E. Evans-Pritchard. (Oxford University Press.)

² *Pagan tribes of the Nilotic Sudan*, by C. G. and B. Z. Seligman, 1932.

³ *African Political Systems*, edited by M. Fortes and E. E. Evans-Pritchard.

ment that the Nuer have "no government" and "no law" is of course only useful as a basis for crude comparison, but it is true that most of the studies of African political systems so far published refer to tribes with highly organised central governments, and for this reason Dr. Evans-Pritchard's account of the maintenance of order and cohesion in societies of the Nuer type is particularly valuable from a comparative point of view. He makes a new contribution, too, when he treats the political organisation of the Nuer as part of a network of relationships with surrounding tribes. "The Nuer political system" he says, "is all the peoples with whom they come in contact." He shows how a hostile relationship, such as that between the Nuer and the Dinka, may be just as binding and permanent a social tie as a friendly alliance and gives us a glimpse of a society permanently organised on a basis of inter-tribal feuds and raids. This is all the more illuminating since we have as yet practically no material published on the sociology of African warfare or any other form of tribe to tribe relationship. The author's careful description of the divisions and sub-divisions of Nuer descent groups—clan, lineage, and sub-lineage—is in many ways a model for such work and should stimulate field-workers to a far more careful definition of such terms than is unfortunately usual.

The most vivid chapter in the book is that which deals with the curious, almost symbiotic relation between man and cattle among the Nuer and the system of values that springs from this relationship. Of all the many accounts of the so-called "cattle-complex" in the literature of African ethnography, I know of none more comprehensive or more focussed on the relevant sociological points. The supplementary economic activities are mentioned together with a brief account of the people's material culture designed to show the utter simplicity of their technology and therefore of the social contacts that depend on such weapons and tools as they use. But as a description of the economic life of the Nuer the book is far from complete and the sub-title "modes of livelihood" should probably have been omitted. The chapter on Nuer concepts of time and space is one of the most brilliant in the book. Here for the first time Durkheim's stimulating treatment of time and space as "collective representations" dependent on a people's way of living and system of social relationships is given flesh and blood in the idiom of a particular culture and worked out in concrete detail. Besides these main items, we must mention a chapter in age-sets which is of comparative interest and some information on the ritual leaders of the Nuer, the so-called "leopard-skin chiefs," about whom our knowledge has so far been incomplete. The reference to the rise of prophets in this country is the only allusion to present-day problems in a book which otherwise

gives practically the impression of having been written before the arrival of the White man. There are some beautiful photographs to illustrate the text and a series of line drawings of Nuer implements and vessels.

In the course of his descriptive account the author introduces a number of new terms, of which I hope at least two may gain universal currency. "Social structure," the main subject of the book, is used here in a rather special sense to mean the traditional and permanent systems of relationship between different social groups, e.g. the territorial system, the domestic, the kinship, etc. From this usage the word "structural" is given an adjectival meaning somewhat similar to "social" when used as distinct from "physical." For example, "the structural space" or "structural distance" between two individuals or groups is used to indicate the closeness of the social ties that bind the two, or the number of such ties, as distinct from the geographical distance that separates them in physical space. "Structural time" similarly means those time categories based on social activities or social relationships whether in the past or the present as distinct from the time intervals calculated by our own calendar or clock, e.g. time reckoned by means of genealogies in the past or by recurrent events such as age-ceremonies in the present. I do not personally find the word "structural" very apt in this sense or its introduction necessary, but the concept of "social distance," similar in many ways to Durkheim's "social density" but more concrete and clearly defined, is an exceedingly stimulating one. Dr. Evans-Pritchard also uses the word "Segment" to indicate a sub-division of a social group, as for instance a clan sub-divided into lineages, or a tribe into territorial sections, and it is his chief theoretical generalisation that society has an inherent tendency so to divide into such segments. Anthropologists will welcome this attempt to define social groups more clearly and to group them into different categories. It is a work that badly needs attention. But the term "segment" convey to my mind a more equal and logical division into sub-groups than actually occurs in most of the primitive societies described and I doubt whether it will prove useful in cultures other than those of the Nuer type that seems to be divided horizontally into sections of equal status and not vertically to form different ranks. Such terms as "maximal" and "minimal" lineages, used to describe the primary descent groups subsequently split into smaller lines or houses, should on the contrary, prove very widely applicable, and should help to elucidate the history of clan and tribe development among the Bantu peoples at any rate.¹

¹ "Maximal lineage" corresponds somewhat to Professor Schapera's use of the word "nuclear community" but Dr. Evans-Pritchards sub-divisions into primary and secondary, etc., sections can be extended more readily.

Apart from these terminological usages the chief theoretical contribution of this book is its rigid delimitation of the scope of the anthropological monograph to a particular type of data and its ruthless exclusion of descriptive material in favour of abstract analysis of the principles of social grouping. Like Professor Malinowski and those who have followed his lead most closely, Dr. Evans-Pritchard selects one particular aspect of a Native culture for description—in this case political institutions—rather than the whole society. But here the likeness between the two types of monograph ends. The so-called “functional” treatment of such a problem as political organisation would have proceeded upon a more or less regular pattern based on a theoretical conception of the nature of human culture and the aspects which it must invariably present. It would have started in all probability with an account of the chief determinants of political institutions, such as environment, mode of living and material culture, much as Dr. Evans-Pritchard has done, but it would have continued on a more or less prescribed plan to analyse first the main principles of social grouping, rank and leadership; then the activities, political, economic, military, religious, etc., on which these groups are engaged; next the organised beliefs, systematised knowledge, myths and other concepts of the past, and all the complex of emotional values on which leadership and social stratification depend; then the system of rules of different kinds, whether behaviour patterns or formal laws and the methods by which these norms are enforced. The whole would have comprised a complex of culturally organised activities, relationships, and systems of knowledge and belief to which Professor Malinowski has applied the term “institution,” using it in a special sense. It would also have consisted of data of very varying types, collected by different methods in the field. Dr. Evans-Pritchard, on the contrary, limits his study largely to one type of data and his abstractions to one particular aspect of human culture, i.e. the system of social grouping which is apparent in all societies. In the case of the political or rather territorial grouping of the Nuer, he even restricts himself to certain types of social group since the family and other forms of domestic organisation he excludes on rather arbitrary grounds from consideration. He describes Nuer values when dealing with their attitudes to cattle and to the passage of time but gives very little space to those underlying the political stratification of the tribe.

Now it is obvious that some delimitation of the anthropologist's field is necessary. Many field-workers going to an unknown area have felt it to be their duty or their opportunity to collect material on every aspect of culture from law to pottery. They have usually tried to satisfy

many types of reader such as the administrator, the general public, as well as the sociologist. They have therefore often included in their monographs data which cannot be described as sociological at all.¹ Dr. Evans-Pritchard's attempt to limit the scope of the anthropologists' work is exceedingly welcome, but the question is whether the boundary can really be drawn where he has marked it. Can social groups really be studied in the abstract without a rather detailed knowledge of the activities on which they are engaged and the network of sentiments and laws that bind them? This book describes Nuer structure with beautiful clarity and abstraction but it depicts a static system. Make the experiment of trying to set the model working and you will find that you are crying out again and again for data on other aspects of Nuer culture in order to understand how the political institutions of this people really function. The typical functional monograph has been accused of demonstrating in endless detail the correlations between one aspect of a culture and another without forming generalisations which might form the basis for comparative work. But surely Dr. Evans-Pritchard has depicted his social structure with such mathematical precision and such diagrammatic clarity largely by eliminating much of the relevant material? I believe that the way to limit the scope of the anthropological monograph is by greater systematisation in our presentation of material and not by rigid restriction of generalisation to the problem of social structure alone.

The same type of criticism must be levelled at Dr. Evans-Pritchard's presentation of his data and his exclusion of set purpose of so much of the descriptive material he must have collected. He gives us his credentials as a field-worker showing the length of time he spent in the Nuer country and his conditions of work, but apart from his chapter on pastoral activities which seems to me a model of descriptive writing, vivid, terse, and shot from end to end with theoretical implications, this book contains practically no account of "social situations," few Native texts or comments, no concrete cases beyond some detail as to clan and territorial divisions, no individual or group case-histories, no mention of Native personalities, and not a statistic in the book. The author defends his rigid suppression of documentation by the statement, twice repeated, that short books are better than long. This without any further discussion of the "better-for-what?" is about as meaningful a sentence as saying that leather-covered books are better than paper-bound, or English books better than German. But he probably means to utter a protest against the present

¹ For instance my *Land, Labour and Diet in Northern Rhodesia*, contains data on the diet of the people mainly intended for the medical and nutritional experts, and material on the Native rotation of crops primarily of interest to agricultural officers.

tendency to include masses of data in monographs without the necessary classification or limitation to the theoretical issue in hand. It is a necessary protest. Field-workers stay longer in the field than they did. They collect far more case-material. They have not yet mastered the difficulties of presenting it in clear and scientific form. If this book challenges anthropologists to a closer examination of their methods of presentation, it will have served a useful purpose. Its method of printing theoretical issues in large type with the illustrative detail in small print below is, for instance, one that might well be copied. But I think in general its influence on field-technique is one that is likely to be unhappy. Anthropology as a science is struggling in its swaddling clothes. It is just learning to obey the rules of other observational sciences, to give its concrete evidence, to estimate the frequency of occurrence of particular social phenomena, to eliminate as far as possible personal values in description. It will be a pity if the new generation, anxious to throw the spot-light on its theoretical generalisations, begins to omit the descriptive data necessary to test them.

The trouble is one with which all anthropologists have to wrestle. We all of us feel, whether we deny it or not, a double duty both as ethnographers providing information on little known cultures and also as sociologists framing general laws on the basis of such comparative data. This often produces a certain conflict. We are not sure which book we are really intending to write. Even Dr. Evans-Pritchard, with his obvious predilection for abstract thought, claims that his material will anyhow be useful as a "plain description." He includes drawings of material objects which have nothing to do with the subject matter of the book, in case other ethnographers are interested. He gives a good deal of descriptive detail as to methods of milking cattle and caring for them, though none of the behaviour patterns and entourage of a leopard-skin chief. Further in the case of an unknown culture a considerable amount of descriptive material has to be given before a sociological generalisation can have any meaning. I think there is a danger that we may forget this preliminary stage in our anxiety to reach to the level of abstraction. The discipline and suppression of colourful detail in this book is astringent, but I feel that such generalisations as the author makes could have better been undertaken in the case of a society, such as some of those of South Africa, about which we already know a great deal.

Many of these points are illustrated by an examination of the generalisations themselves. Society, he says, has a tendency to segment. Its structure can best be described in terms of a constant fusion-fission principle. The systems of segmentation which forms this structure are

permanent, lasting from generation to generation, and showing a "high degree of constancy." The individual members of such segments have equal status with regard to each other as distinct from family or domestic grouping in which individuals have a varying status according to age, position in lineage group, etc. If these are laws that hold good with regard to society as a whole or Nuer society in particular, they are generalisations that ought to be tested by a statistical analysis of different group histories. Anyone who does so will realise at once that even from the few concrete cases that Dr. Evans-Pritchard gives us the segment simile gives no indication of the growth of Nuer society which has come into being apparently, as in other primitive cultures, by the expansion of those very family and domestic groups that are eliminated in this book, and not by the splitting of a ready-made society into sub-groups. Further in those Bantu societies where I have myself studied social structure, whether in Central or in South Africa, nothing is more remarkable than the lack of permanence of particular lineages or "segments"; the infinite variety there is in their composition, their liability to change owing to historic factors, the strength of individual personalities and similar determinants. Such societies, in my experience, are not divided into distinct and logical systems of segments, but rather owe their being to the existence of a number of different principles of grouping such as age, local attachment, rank, etc., each with its own ideology culturally defined. These principles may reinforce each other, exist side by side, or even come in conflict with each other. In determining the balance of the whole structure at any one moment in history it is necessary to decide which principle is predominant or what adjustment of the different allegiances has been achieved. From some of Dr. Evans-Pritchard's material it would seem that the same may be true of the Nuer, but it is a point that his logical divisions and subdivisions of separate segment systems seems to eliminate completely. Nor have I ever worked in an Africa society in which status within a particular group, an age-set or a territories section, was equal. The very existence of so many principles of ranking makes for varied status of the individuals within the segment concerned. This would be revealed in a careful descriptive account of some particular ceremony or activity undertaken by one of the segments studied, but is concealed by the diagrams of this book. I therefore cannot see the distinction between domestic and political systems of segments sharply defined as Dr. Evans-Pritchard has described it. The two systems seem to me to grow one out of the other, and in the dynamics of a social situation constantly to overlap. Abstractions are obviously necessary if sociology is to develop as a science, but I think those of this book have been made too soon, at too low a level, and by too summary an exclusion of matter that did not "fit." Nevertheless,

I consider the work more stimulating than many a carefully written and detailed monograph and it well repays the effort of reading and re-reading what is in some sections very difficult abstract matter. However unsatisfying in some respects, it is a brilliant, tonic, and in the best sense of the word, an irritating book. No anthropologist can afford to miss it.

BOOK REVIEWS

Lovedale, South Africa, 1841-1941, by Robert H. W. Shepherd, M.A.
Introduction by the Hon. Jan H. Hofmeyr, M.P. Lovedale :
Lovedale Press. 531 pp. 31 Illustrations, 2 maps, 8/6.

This is an important book. It fully justifies the view that if a similar record were made of each of the major Christian missions in South Africa we should have the material which has so far been lacking for a satisfactory study of the work and influence of Christian missions in South Africa. It is very desirable that this study should be made possible because great changes are taking place, changes which affect the missions themselves and which should affect missionary policy.

The book gives us a good picture of the rise and development of the Lovedale Institution. But it gives us more, very much more, than this. While it is restrained in its account of the trials and personal sufferings of the early missionaries, one cannot but be much impressed by the determination and devotion to duty which has characterised much of missionary endeavour. Anyone who still thinks of missionaries only as muddle-headed noodles who interfere with the happy life of an uncivilised people will probably not read this book, but if he does he will realise that Scotland has sent out to Lovedale men and women who, had they rendered the same service in European institutions, would have been praised and venerated.

Lovedale is only one of many missionary institutions in South Africa. There are many which have carried on thorough educational work without having attracted public notice. The work they do is as thorough as that done at Lovedale. But, to the average South African, Lovedale is synonymous with Native Education. For the average intelligent African too, Lovedale has a special prestige.

Why is this? Mr. Shepherd's book makes plain the reasons. Lovedale has not only been an institution at which Africans are educated. It has been a place where policies were thrashed out and definite views advocated. For at least seventy years Lovedale exercised a powerful influence upon the educational policy of the Cape Education Department. Until Union, at least, Lovedale had direct and effective contact with the men in the political world who were responsible for the maintenance of what is commonly called the Cape Native Policy.

No missionary can be indifferent to questions of public policy. This is so for two reasons. Missionary work touches the African people at all points. It is concerned with the influence of the chief upon his people ; with the movement of labour and the conditions under which Africans

live and work; with their freedom to send their children to school, and the provision of funds and facilities for education; with the freedom of Africans to offer their skill and labour in the most favourable circumstances and so to make full use of the training given to them by the missions; and so forth. The second reason is that the Government relations with the African have long tended towards—and have recently almost become wholly so—those of a totalitarian State towards its subjects. There are no citizens in a totalitarian State—only subjects. The Africans are not citizens in our State—only subjects. And the State controls and directs at all points. Thus a missionary cannot be associated with the people without coming into direct contact also with the State, and often into conflict with State policy.

It is true, of course, that this situation was not so fully developed during the days of the Cape Colony, during the greater part of the history of Lovedale. But there was always the tendency for a paternal liberalism to turn into totalitarianism, and the helplessness of the African people in their new milieu made this almost inevitable. Besides, the whole trend of government has been to interfere more and more with the life of the community, as witness the rapid growth of legislation during the last half century.

In respect of State policy, Lovedale fulfilled for the African the functions which Dr. John Philip assumed for the Hottentot—those of protector and advocate. The circumstances of the time caused Philip to work very much on his own, and he had in consequence to shoulder all blame and suffer obloquy for errors in tactics. Lovedale has had the great advantage of the co-operative spirit and mutually modifying influence of a team of workers. Even the dominating Dr. Stewart was subject to the criticism and wisdom of his colleagues at Lovedale and of the missionaries of his church. Philip failed to save the Hottentots, but he managed to put up barricades which for a century protected the Bantu. It is behind these barricades that Lovedale and the other missions strove to build up a free people. In many places those barricades are down, and the Africans now doubt the ability of the missions (and those outside the missions who have identified themselves with the task) to protect them. There are many Africans who even suspect that missionaries are "fifth columnists" in "the struggle for white domination" which has been going on during the past generation. This change in the relations between missionaries and Africans is one that calls for most careful study by the missions.

Whatever may be the future of Christian missions in South Africa—rendered uncertain and confused as it now is by the fierce play of political and economic issues in the relations of Black and White—the history of

Lovedale, as revealed in this book, is a record of great service and courageous leadership, and nothing that may happen can obliterate this record.

There are two features of the history which call for special attention. The first may be called the internal development of Lovedale's educational policy. The second is the relationship of that policy to the environment of the African people and their opportunities to make use of training obtained at Lovedale.

A very interesting part of the book is that which gives an account of the controversy in the late sixties between the principal of that time (the Reverend William Govan) and the Reverend (afterwards Dr.) James Stewart who had become a member of the staff.

Mr. Govan held that, as the African pupils would have to live in the same country, within the same political and economic system, and in the same cultural environment as the European pupils (of whom there were some at Lovedale in those days), they should be prepared in the same way for this common life. He regarded education as the chief means of uplifting the African people, but believed that this would be most speedily effective if Lovedale set out to give a liberal education to the few. He would give the few the fullest opportunities to acquire as broad a culture as Scottish education gave to the poorest who sought it. At Lovedale they would be able to go step by step through the elementary school, the high school and the college.

Dr. Stewart, on the other hand, held that Lovedale should keep its evangelistic purpose in the forefront, and concentrate on the training of preachers and teachers, with the provision of a general education a secondary consideration. He condemned the teaching of Latin and Greek and the neglect of the vernaculars. Stewart emphasised that Lovedale should do more to train craftsmen, so that Africans could take advantage of the opportunities then opening for skilled employment among Europeans.

Dr. Stewart won the day. Govan retired and Stewart became principal.

Africans to-day are, more than ever, demanding free entry into the cultural heritage of modern civilisation. Like the working classes in Britain, they suspect any change in educational policy lest it might shut off their children from a liberal education of the traditional kind. At Lovedale, with the neighbouring college at Fort Hare, an African child can rise step by step on the educational ladder. On the other hand, training in several crafts is given there. Teachers are still trained at Lovedale, but preachers are trained at the S.A. Native College at Fort

Hare and at an interdenominational school which lies between Lovedale and Fort Hare.

The demand for ministers and teachers continues, but it is now recognised that broader foundations of culture are necessary to enable them to carry out their duties and to maintain their standing in the community. Despite the inadequacy of the funds and facilities for the education of the masses, the missions have managed to diffuse education among the masses; so much so that again and again it has been necessary to raise the educational and professional standards of the training of ministers and teachers. On the other hand, more attention is being given to the vernaculars, not only as media of instruction, but also as natural and effective agencies of cultural development and expression.

No longer are the theological and teaching professions the only professions through which the teaching of Christianity and civilised ways of life are engrafted upon the African people. Lovedale's remarkable hospital has since 1898 rendered outstanding service to the health of the African people. It has been the pioneer in the training of African young women as nurses, and more recently it has been co-operating in the training of African young men as medical aids. Africans have in small numbers been qualifying overseas as doctors. Recent developments will probably result in twenty-five to thirty African medical students being in training at any one time at the medical school of the University of the Witwatersrand. The Jan Hofmeyr School of Social Work is also a sign that opportunities for service in social work of various kinds are being opened.

It is in the field of industrial education that the real obstacles to the training of Africans have come. In earlier years the missions were called upon not to give book learning, but to "teach the Native how to work." There was then a great shortage of craftsmen—wagon builders, carpenters and so forth.

It is not generally known that in the early days of missionary enterprise in South Africa most missionaries set about teaching the people more advanced methods of soil cultivation. It is true that at some of the missionary stations among the Hottentot little was done in this way, but this was not generally true. The founders of Lovedale and their contemporaries were certainly energetic in teaching the Bantu the use of irrigation, tree planting, brick making, housebuilding and other useful arts. Sir George Grey's enthusiasm for industrial training as a civilising force stimulated the missionary institutions to offer industrial training to their pupils, and Lovedale introduced instruction in masonry, carpentry, wagon-making and black-smithing. Govan introduced printing and book-binding a little later. All, except wagon-making are still being

taught at Lovedale, with others added, such as domestic science. In view of the opportunities for Africans as motor drivers there is at present a real need for instruction in motor mechanics. But even this field of employment is threatened with the colour bar, which has closed employment in most skilled trades to Africans.

The situation of the African is much more complex to-day than it was in the days of the Govan-Stewart controversy, and this is revealed in the dilemma which faced the members of the Inter-departmental committee on Native education which reported in 1935-36.

The simplifications of Govan and Stewart are no longer possible, and the statesman in education is hampered by the fact that State policy bears no relation to the social and economic forces—and the cultural influences—which are operating upon the African people. Parliament legislates *in vacuo*: the administrator and the missionary have to make the best they can of the result.

The material in this book is so full and various that this review threatens to become a lengthy article. I must conclude by emphasizing that this book shows that Lovedale has never been a mere seminary walled off from life and events outside. It has been a leader of missions, it has been a pioneer in education, it has been a fearless protector of and advocate for the people to whose service it was dedicated, and it still is one of the citadels to which bewildered African leaders look to hold up the attacks of those who would invade their humanity and their freedom.

J.D.R.J.

The Eastern Sudanic Languages, Vol. I, by A. N. Tucker (International Institute of African Languages and Cultures, Oxford University Press, 1940) pp. xv + 434 with folding maps, 21s.

This is the first volume of a series, in which Dr. Tucker plans to cover the three main groups of Eastern Sudanic, viz. Moru-Madi, Bongo-Baka-Bagirmi and Ndogo-Sere. In this first volume Moru-Madi is treated. "This group extends from Amadi District of Mongalla Province (Moru) in a horse-shoe bend through Maridi and Yei (Avukaya, Keliko), through the north-east corner of the Congo (Logo, Lendu), north-west Uganda (Lugbara, Madi), and into the Opari District of Mongalla Province (Madi)." The whole book is replete with detailed examples from all these various languages.

The book opens with a lengthy introduction divided into two sections: (1) Tribal, dealing with the distribution and history of the Eastern Sudanic tribes, and (2) Linguistic, describing the characteristics of the African

language families, then of the Eastern Sudanic languages, followed by some general principles and definitions underlying the study of Eastern Sudanic grammar. On pages 56-57 the author sets out his characteristics defining a Sudanic language. Those under the headings "general" and "phonetic" are straight-forward, e.g. monosyllabic, consisting of consonant plus vowel, typically isolating, tone languages employing characteristic labiovelar consonants; but it is a pity that most of the characteristics under the heading "morphology" should be negative, e.g. no grammatical gender, few noun formatives, singular and plural of nouns not normally distinguished, no case, no derivative verb species, no tense forms, etc. It is to be hoped that, in future work, the characteristics will be stated positively with these negative contrasts in a very secondary position—otherwise a non-Sudanic approach will be emphasised.

In comparison, definitions are also given of Hamitic and Bantu languages. The author emphasises that Bantu languages are "agglutinating," taking a different definition of agglutination from that followed by the reviewer, who stipulates as agglutinative such formative elements as are "recognizable as independent words detachable from the root, and capable of being affixed to other roots, *or even to stand alone in the sentence*" *Bantu Linguistic Terminology*, page 46). This is true of many Eastern Sudanic suffixes and postpositions, but not of Bantu prefixes and suffixes. Further the term "inflexion" should not be confined to internal change or ablaut; prefixes and suffixes, if they have lost self-standing identity, are also inflexional elements.

Tucker's fifth chapter (pp. 62-74) is extremely valuable and important; it seems to be in the common use of disyllabic roots that the Eastern languages are distinguished from typical Sudanic. There is a weakness however in that the author fails to discuss the criteria which would differentiate "words" from mere "formatives." One is sensible of this weakness throughout the book; what really is the difference between a "prefix" and a "preposition," or between a "suffix" and a "postposition?" The test as to whether the "particle" concerned is separable or inseparable is at present very inconclusive. This is fundamental, and goes right through to the chapter on "word-division" (pp. 320-326). Partly owing to this problem not being solved we see in this final chapter most intricate and difficult rules of word-division, designed to steer a medium course between conjunctivism and disjunctivism. I do not think that we have here the last word on Eastern Sudanic word-division.

In Chapter VI of the Introduction, Tucker sets out certain principles and definitions underlying the study of Eastern Sudanic. It is on the

principles of this chapter that all his detailed work in the book is based. One cannot help feeling that it is a pity he took definitions designed for Bantu languages so largely into this. They obviously don't all fit. The structure of the two families is so diverse. A step in the right direction, however, is his basic division into verbal roots, nominal roots and pronominal roots, though the treatment of "particles" is less satisfactory. This unfortunate term is so often used as a repository for everything that won't readily fit in anywhere else. It is most likely that current linguistic terminology will be less applicable to Sudanic than to Bantu languages. The very fact that words, such as Tucker might describe as verbal roots, may function alternatively as "nouns," "adverbs," "adjectives," "prepositions," "postpositions," "verbal auxiliaries" or "conjunctions" without change of form, demands a very deep rethinking of grammatical principles for such a language family. The questions of form and function need to be most carefully revised.

The main part of the book gives the detailed analysis of the Moru-Madi group, from page 85 to 326, followed by specimen texts and lengthy comparative vocabularies. Phonetics, grammar and orthography are treated in turn, and, amidst a vast amount of valuable material, many interesting points in comparative philology arise. The incidence of the flapped lateral, before *i* and *u*, aligns it with that in Bantu where it occurs especially before *i* and its equivalent in Southern Sotho before both *i* and *u*. The consonant noun prefixes of non-semantic function, *k*, *t* and *l* (page 126) are of great interest. Is it possible that they provide the germs of class prefix forms? The consonant *l* is seen further to function as a formative of deverbative nouns. Where Tucker describes this (page 127) as "semantic" function, probably "grammatical" would be a better term. Interesting also is the syntactical function of infinitives formed by suffix, as described on page 239; these languages seem particularly rich in verbal suffixes of a variety of types, and they are well illustrated by the author. The fact that participial suffixes (page 243) may also have locative function is interesting in view of the fact that in Sotho *-ng* is a suffix in forming both participials and locatives. Eastern Sudanic has a quinary system of numeration (page 287) as is basic in Bantu. The "linking particles" given on page 293, especially *ni* and *ndi* are very suggestively like copulative formatives in a number of Bantu languages. These observations all go to strengthen the belief that Sudanic forms one of the remote backgrounds contributing to the formation of Bantu.

The remainder of this series will be looked forward to with keen anticipation.

C.M.D.

Bemba Marriage and Present Economic Conditions, by Audrey I. Richards.
Rhodes-Livingstone Institute, 123 pp. 2s.

Dr. Richard's contributions to the study of the Bemba people of Northern Rhodesia are unique and well-known but none of her previously published researches has had so practical a value as this paper. The administrator, the educationist and the missionary with experience of the Bemba in their villages or in urban areas will read the paper with interest and check the author's conclusions with their own and will find explanations for many of the more confusing trends in development and disintegration. The industrial future of Africans in Central Africa depends on their ability to work out for themselves, and with the administrator's help, a new and stable system of marital relationships and in this lies the importance of Dr. Richards' study.

The conflict between the tribal obligations of a matrilineal, matrilocal group and the demands of modern life are clearly examined and the author's contention that such a tribe is less easily incorporated into the framework of an industrial system than a patrilocal people is a line of enquiry that must be pursued to its conclusion.

It is a tribute to Dr. Richards' accuracy of judgment and observation that in dealing with the Copper Belt at its present tempo of development, she gives what is in general a true picture of the contemporary scene in spite of an absence of six years from that area.

The educationist will find of interest the author's observations on sex education of Bemba youth. The fact that sex is not normally discussed between parent and child and amongst different age groups has not passed unnoticed by the pedagogue; but the need to relate sex to the Christian ethic has not shaken Bemba culture more than the profound change in attitude towards sex education in England shook the foundations of family life during the last generation. The Bemba are a sturdy lot and they can take it!

The effect on family life of urban housing is an important consideration and demands early study. At present means are improvised for providing separate sleeping accommodation for growing children but little progress has been made as yet in easing this situation along the only possible lines—bigger and more suitable dwellings in the locations or farm plots for men with growing families in selected areas in the purlieus of the towns.

Emphasis is rightly placed on the difficulties of imposing a Christian sex ethic caused by the present system of migratory labour with the strain it places both upon the men at the mines and the women left behind.

The clan kinship group (*umukoa*) as examined by Dr. Richards seems to the reviewer to have weakened roots in the villages ; it is certainly disappearing from the urban areas where the admixture of tribes robs it of much of its significance. Villagers speak half-comically, half-scornfully of the African growing up in the towns as belonging to the *mwina-njanja* (" railway " clan) which indicates the weakening of clanship ties in the urban areas. Dr. Richards emphasises that the growth of exogamy is one of the most potent influences in detribalisation or rather the growing trend towards the stabilisation of Africans in the townships. Much is heard of the ephemeral marriages of the towns but there is value in the reminder of " the slowly developing character of Bemba marriage." The Bemba marriage tie " cannot be considered as a single act which is completed once and for all by a ceremony or a passage of goods." It develops and strengthens itself by gradations and it may well be that the so-called " temporary alliances " of the Copper Belt with their weak ties and transitory appearance are not so very different in essence from the normal Bemba marital relationship in its early stages.

While these comments do not suggest the full scope of Dr. Richards' study, they may perhaps indicate its value as a useful and authoritative enquiry into a subject which recent events and the growing integration of the Bemba into the industrial machine show to be significant in Bantu development, rich in sociological interest and clamant for further expert investigation.

C.J.O.

Books for the Bantu. By Gladys Oppenheim. Pretoria : Carnegie Corporation Visitors' Grants Committee. 1940. 1s.

This report of 52 octavo pages is written by the Librarian of the Bloemfontein Public Library, and embodies the results of her observations on a tour of American libraries in 1937. Miss Oppenheim, who travelled under the auspices of the Carnegie Corporation Visitors' Grants Committee, unlike most other South African librarians, included the Southern States in her itinerary and made a special study of Negro library service. Her report is divided into four parts. The first, " The Bantu and the Printed Word," is a short survey of the book needs of the Bantu people and the steps which have been taken in South Africa to supply those needs. The second and longest part describes the methods of providing books in the United States, with special reference to the service to Negroes, both in the North where there is no colour bar and in the South where racial prejudice is stronger than in the Union. The

third section contains Miss Oppenheim's conclusions and observations on the future of Non-European libraries in South Africa. The fourth chapter on Bibliotherapy is included, says Miss Oppenheim, "because bibliotherapy is entirely unknown in South Africa, although Cape Town and Johannesburg have the beginnings of hospital library services; and secondly, because it so happened that the only example of bibliotherapy seen in action in the United States was at a Negro hospital." It seems a pity that this chapter was appended, because bibliotherapy is not essentially a question of Non-European libraries, and is of sufficient importance to receive a report to itself.

The description of what is to-day being done makes very sad reading. It seems that the funds for Non-European libraries have come almost entirely from the Carnegie Corporation, and that local authorities have given very niggardly support. It is significant that the only local authority to spend any considerable sum on Non-European libraries has received no outside aid. Miss Oppenheim rightly condemns the method of sending out boxes of books to places where inexperienced readers receive no guidance, but her assumption that the appointment of an organiser for a whole province in any way compensates for the absence of librarians at the points of service is very optimistic. The Bantu requires more guidance in his reading than the European. The inexperienced Africans who are being appointed as assistants in urban libraries will not be competent to give reader guidance for many years. What is required is an enthusiastic European librarian in every large centre, able to devote his whole time to Non-European libraries. If the African is to take his rightful place in library service for his people, he must serve a long apprenticeship under the control of European librarians. Correspondence courses, vacation schools and occasional visits from an organiser, as suggested by Miss Oppenheim, are not enough. Non-European libraries must grow outwards from the larger towns, and the first step must be to persuade municipalities to give reasonable financial allocations for this purpose, allocations large enough to provide a European organiser and African assistants.

One gathers from a careful study of the report that the needs of the American Negro and of the Bantu are not comparable and that American methods of providing literature for coloured people cannot be transplanted in Africa. Miss Oppenheim has not made this very clear nor has she indicated which of the many interesting things she saw can be adapted, or how they can be adapted to the service of the African in South Africa. Many South Africans have visited American libraries but none of them has noted the main difference between American

and South African libraries. This is a difference in outlook and approach. The American librarian is optimistic, is full of initiative and courage, while his South African fellow is inclined to defeatism, to despair of ever achieving anything because of lack of funds. The most important art which the American librarian can impart is that of obtaining funds for library services.

South African library problems must be worked out in South Africa; lasting success will only be achieved when progress is the result of local effort. Miss Oppenheim's report should inspire South African librarians to greater efforts in their struggle to obtain local support for Bantu libraries, and the example of what is being done in the United States should encourage them to build up in South Africa libraries for people of all races comparable to, different from, and perhaps better than those of the United States.

R.F.K.

